

Senate Bill 393

By: Senators Kemp of the 38th, James of the 28th, Jones II of the 22nd, Howard of the 35th, Jackson of the 41st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, the
2 "Georgia Property Owners' Association Act," so as to prohibit a property owners' association
3 from exercising enforcement authority over traffic laws, ordinances, or regulations; to
4 authorize requests to law enforcement agencies to enforce traffic laws, ordinances, or
5 regulations within a privately owned residential area; to provide for training; to provide for
6 rules and regulations; to provide for a short title; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "HOA Accountability and Training Act."

11 **SECTION 2.**

12 Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, the "Georgia
13 Property Owners' Association Act," is amended in Code Section 44-3-231, relating to powers
14 and duties of association and legal actions against agent or employee of association, by
15 revising subsection (a) as follows:

16 "(a) Except to the extent prohibited by the instrument and subject to any restrictions and
17 limitations specified therein, the association shall have the power to:

18 (1) Employ, retain, dismiss, and replace agents and employees to exercise and discharge
19 the powers and responsibilities of the association;

20 (2) Make or cause to be made additional improvements on and as a part of the common
21 area;

22 (3) Grant or withhold approval of any action by one or more lot owners or other persons
23 entitled to occupancy of any lot if such action would change the exterior appearance of
24 any lot, or any structure thereon, or of any other portion of the development or elect or
25 provide for the appointment of an architectural control committee to grant or withhold
26 such approval; and

27 (4)(A) Enforce all lawful provisions of the property owners' association instrument in
28 accordance with and pursuant to all powers granted by this article, by Chapter 2 or 3 of
29 Title 14 as may be applicable, and as provided for in the instrument, including, but not
30 limited to, by an action to recover sums due; for damages; for injunctive relief, without
31 regard to whether other remedies may exist or be adequate, provided that the provisions
32 of Code Section 44-3-223 and the instrument are complied with; or for any other remedy
33 available at law or in equity to the association.

34 (B) Notwithstanding subparagraph (A) of this paragraph, a property owners'
35 association shall not have the authority to enforce any state or local traffic laws,
36 ordinances, or regulations, including, but not limited to, parking violations under
37 Article 10 of Chapter 6 of Title 40; provided, however, that the property owners'
38 association may elect to have such laws, ordinances, or regulations enforced by a local
39 law enforcement agency within a privately owned residential area in accordance with
40 Code Section 40-6-3."

41 **SECTION 3.**

42 Said article is further amended by adding a new Code section to read as follows:

43 "44-3-236.44 (a) On or before January 1, 2028, the Secretary of State shall develop and implement or
45 approve a training program of at least four hours in duration for members of the board of
46 directors or other governing body of a property owners' association which shall include
47 instruction on the following topics:48 (1) Member roles and fiduciary duties, including, but not limited to, financial literacy;49 (2) Best practices for record keeping, document retention, and meetings;50 (3) Conflicts of interest;51 (4) Compliance with this article and association instruments, articles of incorporation,
52 and bylaws, including, but not limited to, voting requirements, quorums, and enforcement
53 of provisions within such instruments, articles, and bylaws;54 (5) Contract procurement and oversight; and55 (6) Effective communication and conflict resolution.56 (b) Each member of the board of directors or other governing body of an association shall
57 complete the training set forth in subsection (a) of this Code section within 90 days of his
58 or her initial appointment or election to such board or body.59 (c) The Secretary of State is authorized to promulgate rules and regulations to implement
60 the provisions of this Code section.61 **SECTION 4.**

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