

House Resolution 1046

By: Representatives Kendrick of the 95<sup>th</sup> and Flournoy of the 74<sup>th</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that any property owner in a  
 2 condominium, property owners' development, or similar common interest ownership  
 3 structure shall have standing to bring an action to challenge the unauthorized possession of  
 4 other property located within the same condominium, property owners' development, or other  
 5 common ownership interest structure; to provide for related matters; to provide for the  
 6 submission of this amendment for ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 8 SECTION 1.

9 Article VI, Section I of the Constitution is amended by revising Paragraph I as follows:

10 "Paragraph I. ***Judicial power of the state.*** (a) The judicial power of the state shall be  
 11 vested exclusively in the following classes of courts: magistrate courts, probate courts,  
 12 juvenile courts, state courts, superior courts, state-wide business court, Georgia Tax Court,  
 13 Court of Appeals, and Supreme Court. Nothing in this paragraph shall preclude a superior  
 14 court from creating a business court division for its circuit in a manner provided by law.  
 15 Magistrate courts, probate courts, juvenile courts, and state courts shall be courts of limited  
 16 jurisdiction. In addition, the General Assembly may establish or authorize the  
 17 establishment of municipal courts and may authorize administrative agencies to exercise

18 quasi-judicial powers. Municipal courts shall have jurisdiction over ordinance violations  
 19 and such other jurisdiction as provided by law. Except as provided in this Paragraph and  
 20 in Section X, municipal courts, county recorder's courts, and civil courts in existence on  
 21 June 30, 1983, and administrative agencies shall not be subject to the provisions of this  
 22 article. The General Assembly shall have the authority to confer 'by law' jurisdiction upon  
 23 municipal courts to try state offenses.

24 (b) The judicial power of the state shall extend to all cases in which a third party brings  
 25 an action to enjoin the unauthorized possession of residential real property located within  
 26 a condominium, property owners' development, or similar common interest ownership  
 27 structure, provided that such third party holds an interest in other real property located  
 28 within the same condominium, property owners' development, or other common interest  
 29 ownership structure. In no event shall this provision apply to any other judicial  
 30 interpretation of standing."

## 31 SECTION 2.

32 The above proposed amendment to the Constitution shall be published and submitted as  
 33 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
 34 above proposed amendment shall have written or printed thereon the following:

35 "( ) YES Shall the Constitution of Georgia be amended so as to provide that any  
 36 property owner in a condominium, property owners' development, or similar  
 37 ( ) NO common interest ownership structure shall have standing to bring an action  
 38 to challenge the unauthorized possession of other residential property  
 39 located within the same condominium, property owners' development, or  
 40 other common interest ownership structure?"

41 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

42 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If

43 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
44 become a part of the Constitution of this state.