

House Bill 1271

By: Representatives Burchett of the 176th, Corbett of the 174th, Ridley of the 6th, Sainz of the 180th, and Scoggins of the 14th

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 covenants for a planned subdivision and a property owners' association which
3 infringe upon a lot owner's right to display the United States and Georgia flags; to provide
4 for applicability; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by
9 revising subsection (a) of and adding a new subsection to Code Section 44-3-231, relating
10 to powers and duties of association and legal actions against agent or employee of
11 association, to read as follows:

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

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

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

(3) Except as provided in subsection (i) of this Code section, grant ~~Grant~~ or withhold approval of any action by one or more lot owners or other persons entitled to occupancy of any lot if such action would change the exterior appearance of any lot, or any structure thereon, or of any other portion of the development or elect or provide for the appointment of an architectural control committee to grant or withhold such approval."

"(i) The association shall not, through the adoption or amendment of an instrument or through decision-making processes, prohibit a lot owner from displaying the official flag of the United States of America, the State of Georgia, or both, through the use of an attachment to the structure of a building or by erecting a pole in order to display such flag or flags, provided that any such flag is not larger than four and one half feet by six feet and such flagpole does not obstruct sightlines at intersections, does not exceed 20 feet high, and is not erected within or upon an easement. This subsection shall not be construed to affect any instrument recorded or amended before July 1, 2022, or any decision made by an appointed or elected architectural control committee before such date."

SECTION 2.

Said title is further amended by adding a new paragraph to subsection (d) of Code Section 44-5-60, relating to effect of zoning laws, covenants and scenic easements for use of public, renewal of certain covenants, and costs, as follows:

"(6) No covenant adopted after July 1, 2022, shall prohibit the display of the official flag of the United States of America, the State of Georgia, or both, through the use of an attachment to the structure of a building or erecting a pole in order to display such flag or flags, provided that any such flag is not larger than four and one half feet by six feet and such flagpole does not obstruct sightlines at intersections, does not exceed more than 20 feet high, and is not erected within or upon an easement."

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SECTION 3.

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