

House Bill 1222

By: Representatives Lewis-Ward of the 115<sup>th</sup>, Powell of the 33<sup>rd</sup>, Hugley of the 141<sup>st</sup>, Washburn of the 144<sup>th</sup>, Mitchell of the 88<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to  
2 regulation of specialized land transactions, so as to provide for the issuance of statements of  
3 accounts; to provide for information required in and the manner of requesting and providing  
4 such statements; to provide for the effect of failure to furnish such statements as required;  
5 to amend Code Section 44-14-15 of the Official Code of Georgia Annotated, relating to fee  
6 for a future conveyance and limited circumstances relative to property, so as to provide for  
7 a cross-reference; to provide for related matters; to provide for applicability; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to regulation of  
12 specialized land transactions, is amended by revising subsections (d) and (e) of Code Section  
13 44-3-232, relating to assessments against lot owners as constituting lien in favor of  
14 association, additional charges against lot owners, procedure for foreclosing lien, and  
15 obligation to provide statement of amounts due, as follows:

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16 ~~“(d) Any lot owner, mortgagee of a lot, person having executed a contract for the purchase~~  
17 ~~of a lot, or lender considering the loan of funds to be secured by a lot shall be entitled upon~~  
18 ~~request to a statement from the association or its management agent setting forth the~~  
19 ~~amount of assessments past due and unpaid together with late charges and interest~~  
20 ~~applicable thereto against that lot. Such request shall be in writing, shall be delivered to~~  
21 ~~the registered office of the association, and shall state an address to which the statement is~~  
22 ~~to be directed. Failure on the part of the association, within five business days from the~~  
23 ~~receipt of such request, to mail or otherwise furnish such statement regarding amounts due~~  
24 ~~and payable at the expiration of such five-day period with respect to the lot involved to~~  
25 ~~such address as may be specified in the written request therefor shall cause the lien for~~  
26 ~~assessments created by this Code section to be extinguished and of no further force or~~  
27 ~~effect as to the title or interest acquired by the purchaser or lender, if any, as the case may~~  
28 ~~be, and their respective successors and assigns, in the transaction contemplated in~~  
29 ~~connection with such request. The information specified in such statement shall be binding~~  
30 ~~upon the association and upon every lot owner. Payment of a fee not exceeding \$10.00~~  
31 ~~may be required as a prerequisite to the issuance of such a statement if the instrument so~~  
32 ~~provides:~~  
33 ~~(e) Nothing in this Code section shall be construed to prohibit actions maintainable~~  
34 ~~pursuant to Code Section 44-3-223 to recover sums for which subsection (a) of this Code~~  
35 ~~section creates a lien.”~~

36 **SECTION 2.**

37 Said chapter is further amended by adding a new Code section to read as follows:

38 “44-3-232.2.

39 (a) Within ten business days after receiving a written or electronic request for a statement  
40 of account from a lot owner or the lot owner's designee, a mortgage lender, or a mortgagee  
41 of a lot or the designee of such mortgagee of a lot, the association shall issue a statement

42 of account as provided for in this Code section. A request for a statement of account shall  
43 be considered received at the time it is sent if transmitted by electronic means or by hand  
44 delivery, within three days if transmitted by first-class mail, and upon delivery if  
45 transmitted by statutory overnight delivery.

46 (b) Each association shall designate on its public website or otherwise publish the name  
47 of a person or entity with a street or email address for receipt of a request for a statement  
48 of account. A statement of account may be prepared and issued by an officer, authorized  
49 agent, or authorized representative of the association, including any authorized agent,  
50 authorized representative, or employee of a management company authorized to complete  
51 the statement of account on behalf of the board or association. The statement of account  
52 shall be provided by email, electronic download, hand delivery, first-class mail, or statutory  
53 overnight delivery to the requester on the date of its issuance.

54 (c) A statement of account as provided for in this Code section shall contain all of the  
55 following information regarding the property for which the transaction is to occur:

56 (1) Date of issuance;

57 (2) Name of the lot owner or owners as reflected in the books and records of the  
58 association;

59 (3) Lot designation and address;

60 (4) Assigned parking or garage space number, as reflected in the books and records of  
61 the association, as applicable;

62 (5) Attorney's name and contact information if the account is delinquent and has been  
63 turned over to an attorney for collection;

64 (6) Name of the requester;

65 (7) Assessment information and other information:

66 (A) The amount of the regular periodic assessment levied against the lot and the  
67 frequency of such assessment;

68 (B) The date through which the regular periodic assessments have been paid;

69 (C) The due date for the next installment of the regular periodic assessment and the  
70 amount due;

71 (D) An itemized list of all assessments, special assessments, and other moneys owed  
72 to the association for the lot as of the date of issuance of the statement of account; and

73 (E) An itemized list of any additional assessments, special assessments, and other  
74 moneys that are scheduled to become due for each day after the date of issuance for the  
75 effective period of the statement of account. In calculating the amounts that are  
76 scheduled to become due, the association may assume that any delinquent amounts will  
77 remain delinquent during the effective period of the statement of account; and

78 (8) Additional information:

79 (A) Any open violation of any rule or regulation notice to the lot owner in the  
80 association's official records;

81 (B) A list of and contact information for all other associations of which the lot owner  
82 is a member by virtue of ownership of the lot;

83 (C) A copy of the current covenants and bylaws of the association and a copy of the  
84 rules and regulations adopted by the association;

85 (D) A copy of the association's certificate of insurance for any insurance provided by  
86 the association for the lot or the name, address, email address, and telephone number  
87 of the association's insurance provider of any such insurance; and

88 (E) The signature of an officer or authorized agent of the association.

89 (d) A statement of account issued pursuant to this Code section shall have a 30 day  
90 effective period. If additional information is needed or a mistake related to the statement  
91 of account becomes known to the association or its agent within the effective period, an  
92 amended statement of account may be delivered and become effective if a sale or  
93 refinancing of the lot has not been completed during such effective period. An amended  
94 statement of account shall be delivered on the date of issuance and a new 30 day effective  
95 period shall begin on such date.

96 (e) An association waives the right to collect any moneys owed in excess of the amounts  
 97 specified in the statement of account from any person and such person's successors or  
 98 assigns who in good faith rely upon such statement of account.

99 (f) If the association or its agent fails to disclose in the statement of account the correct  
 100 amount of an assessment, a special assessment, or other moneys owed to the association,  
 101 the purchaser of the lot shall not be obligated to pay the incorrectly disclosed amount and  
 102 any lien for the incorrectly disclosed amount owed to the association shall be extinguished.

103 (g)(1) An association's authorized agent may charge the association a reasonable fee for  
 104 the preparation and issuance of a statement of account which shall not exceed \$250.00.

105 (2) If a statement of account is requested on an expedited basis and issued within three  
 106 business days after the request, the association's authorized agent may charge the  
 107 association an additional fee of \$50.00.

108 (3) Neither the association nor its authorized agent shall charge the requester of a  
 109 statement of account pursuant to this Code section any fees associated with the  
 110 preparation and issuance of the statement of account as provided for in this Code section."

111 **SECTION 3.**

112 Code Section 44-14-15 of the Official Code of Georgia Annotated, relating to fee for a future  
 113 conveyance and limited circumstances relative to property, is amended by revising paragraph  
 114 (3) of subsection (c) as follows:

115 "(3) A property owners' association formed for the purposes of exercising the powers of  
 116 an association of property owners that has not been formed pursuant to or which has not  
 117 adopted the provisions of Article 6 of Chapter 3 of this title, the 'Georgia Property  
 118 Owners' Association Act,' provided that such association shall comply with subsection  
 119 (d) of Code Section ~~44-3-232~~ 44-3-232.2;"

120 **SECTION 4.**

121 This Act shall not apply to contracts entered into prior to July 1, 2026, before the expiration  
122 or first renewal of such contract.

123 **SECTION 5.**

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