

House Bill 1251

By: Representatives Davis of the 87<sup>th</sup>, Scott of the 76<sup>th</sup>, Schofield of the 63<sup>rd</sup>, Ali of the 106<sup>th</sup>,  
and Taylor of the 92<sup>nd</sup>

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 community associations to  
3 disclose documents to unit owners upon request; to provide for community associations to  
4 maintain certain records; to provide for the creation of an online database; to provide for  
5 annual reports; to provide for a civil action; to provide for attorney's fees; to provide for  
6 penalties; to provide for definitions; to provide a short title; to provide for related matters;  
7 to provide for an effective date and applicability; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Right to Information for Homeowners  
12 Act."

13 **SECTION 2.**

14 Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to regulation of  
15 specialized land transactions, is amended by adding a new article to read as follows:

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16 "ARTICLE 8

17 44-3-300.

18 As used in this article, the term:

19 (1) 'Community association' or 'association' means a nongovernmental association of  
20 participating members in a delineated geographic area comprising a neighborhood,  
21 condominium, cooperative, or group of homeowners or property owners, including, but  
22 not limited to, a homeowners' association, condominium association, and property  
23 owners' association.

24 (2) 'Condominium association' means an organization or corporation formed pursuant  
25 to Article 3 of this chapter, the 'Georgia Condominium Act,' for the purpose of exercising  
26 the powers of an association of any condominium under such Act.

27 (3) 'Critical documents' means documents held by the community association that are  
28 affiliated with the workings of the association, including insurance policies held by or for  
29 the benefit of the association, bank statements for all association accounts, financial  
30 statements, including budgets, income and expense reports, and audits, governing  
31 documents, covenants, bylaws, rules, meeting minutes of the board of directors and  
32 committees, and contracts entered into on behalf of the association.

33 (4) 'Homeowners' association' means an organization or corporation of homeowners or  
34 declarants or developers of a particular subdivision, planned community, or condominium  
35 that makes and enforces rules for the properties within its jurisdiction and has an elected  
36 board of directors that enforces and oversees the organization's governing documents.

37 (5) 'Property owners' association' means a corporation formed pursuant to Article 6 of  
38 this chapter, the 'Georgia Property Owners' Association Act,' for the purpose of  
39 exercising the powers of an association of property owners under such Act.

40 (6) 'Unit' means a portion of the community association intended for any type of  
41 independent ownership and use.

42 (7) 'Unit owner' means the owner of a unit subject to a community association.

43 44-3-301.

44 (a) Community associations shall provide unit owners with access to critical documents.

45 (b) Community associations shall make records available within 14 days of the request  
46 either electronically or as physical copies at reasonable cost.

47 (c) Community associations shall maintain a secure online database containing critical  
48 documents and allow unit owners to access such database.

49 44-3-302.

50 (a) Community associations shall publish an annual report including:

51 (1) Current insurance policies;

52 (2) A summary of the association's financial health, including reserves; and

53 (3) A summary of outstanding debts and liabilities.

54 (b) Community associations shall annually send unit owners copies of the annual report  
55 electronically or in print.

56 44-3-303.

57 (a) Community associations shall have an independent audit of association finances be  
58 conducted at least once every two years.

59 (b) Community associations shall make audit results available to all unit owners within 30  
60 days of completion of an audit.

61 44-3-304.

62 (a) Community associations shall provide unredacted copies of monthly bank statements  
63 to any unit owner upon request.

64 (b) Community associations shall maintain all bank records for at least seven years.

65 44-3-305.

66 (a) Community associations shall provide members with copies of all insurance policies  
67 covering the association and the association board of directors upon request.

68 (b) Community associations shall notify unit owners of any material changes to coverage  
69 within seven days of such change.

70 44-3-306.

71 (a) Unit owners shall have a cause of action for damages and any other relief a court of  
72 competent jurisdiction deems appropriate, including, but not limited to, compensatory and  
73 punitive damages for violations of this article.

74 (b) Community associations found in violation of this article shall be fined no more  
75 than \$500.00 for each violation.

76 (c) A court may award reasonable attorney's fees and costs to the prevailing party."

77 **SECTION 3.**

78 This Act shall become effective upon its approval by the Governor or upon its becoming law  
79 without such approval and shall apply to violations by community associations on or after  
80 such effective date.

81 **SECTION 4.**

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