

Senate Bill 521

By: Senators James of the 28th, Merritt of the 9th, Rhett of the 33rd, McLaurin of the 14th, Harbison of the 15th 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 establish a residency requirement for
3 board members and officers of condominium associations and property owners' associations;
4 to require the instruments and bylaws of each condominium association and property owners'
5 association to provide for such residency requirement; to provide for construction; to provide
6 for definitions; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 3 of Title 44 of the Official Code of Georgia Annotated, is amended in Article 3,
11 relating to condominiums, by revising Code Section 44-3-104, relating to directors and
12 officers and eligibility as follows:

13 "44-3-104.

14 (a) As used in this Code section, the term 'resident unit owner' means:

15 (1) A unit owner who has maintained and physically occupied a unit within the
16 condominium governed by the association as his or her principal place of residence for

17 at least six months during the year preceding the date of his or her election or
18 appointment as an officer; or

19 (2) A unit owner who is an active duty member of the regular or reserve component of
20 the United States Army, United States Navy, United States Marine Corps, United States
21 Coast Guard, United States Air Force, United States Space Force, United States National
22 Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, the
23 Georgia State Defense Force, or in the National Guard or Air National Guard of any state
24 or territory of the United States, and who would otherwise meet the requirements set forth
25 in paragraph (1) of this subsection but for a temporary inability to physically occupy his
26 or her unit directly attributable to ordered duty, deployment, or training required as part
27 of such active duty membership.

28 (b)(1) Except as provided in paragraph (2) of this subsection, on and after
29 January 1, 2027, each member of the board and officer shall be a resident unit owner.

30 (2) Any board member or officer elected or appointed prior to January 1, 2027,
31 regardless of his or her status as a resident unit owner, shall serve out the term of such
32 office; provided, however, that this paragraph shall not be construed to impair any rights,
33 privileges, entitlements, obligations, or duties of any party in connection with such
34 election or appointment. In all such instances, upon the expiration of the board member's
35 or officer's term of office, each successor of such board member or officer shall be
36 elected or appointed in accordance with the requirement set forth in paragraph (1) of this
37 subsection.

38 (3) For any board member or officer serving a term of more than one year, if such board
39 member or officer is not an active duty member as set forth in paragraph (2) of
40 subsection (a) of this Code section and does not meet the requirement set forth in
41 paragraph (1) of subsection (a) of this Code section relative to the day of the anniversary
42 of his or her election or appointment, such board member or officer shall be subject to

43 removal in accordance with the procedures set forth in the association's condominium
 44 instruments or bylaws and any other applicable law.

45 (c) Each association shall cause its condominium instruments and bylaws, as applicable,
 46 to include a requirement that each board member and officer be a resident unit owner. In
 47 cases where If the condominium instruments or bylaws provide that any ~~member of the~~
 48 ~~board of directors~~ board member or any officer ~~of the association~~ must be a unit owner,
 49 then, notwithstanding paragraph (1) of subsection (a) of Code Section 44-3-75, the term
 50 'unit owner' ~~in such context~~ shall, unless the condominium instruments or bylaws otherwise
 51 provide, be deemed to include, without limitation, any shareholder, director, officer, partner
 52 in, or trustee of any person who is, either alone or in conjunction with any other person or
 53 persons, a unit owner. Any individual who would not be eligible to serve as a ~~member of~~
 54 ~~the board of directors~~ board member or officer were he or she not a shareholder, director,
 55 officer, partner in, or trustee of such a person shall be deemed to have disqualified himself
 56 or herself from continuing in office if he or she ceases to have any such affiliation with ~~that~~
 57 such person.

58 (d) Nothing in this Code section shall be construed to impair any voting rights of a unit
 59 owner provided under this article or any property rights of a unit owner provided under any
 60 applicable law.

61 **SECTION 2.**

62 Said chapter is further amended in Article 6, relating to property owners' associations, by
 63 revising a Code Section 44-3-229, relating to persons deemed to be "lot owner," as follows:
 64 "44-3-229.

65 (a) As used in this Code section, the term 'resident lot owner' means:

66 (1) A lot owner who has maintained and physically occupied a lot within the property
 67 owners' development governed by the association as his or her principal place of

68 residence for at least six months during the year preceding the date of his or her election
69 or appointment as an officer; or

70 (2) A lot owner who is an active duty member of the regular or reserve component of the
71 United States Army, United States Navy, United States Marine Corps, United States
72 Coast Guard, United States Air Force, United States Space Force, United States National
73 Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, the
74 Georgia State Defense Force, or in the National Guard or Air National Guard of any state
75 or territory of the United States, and who would otherwise meet the requirements set forth
76 in paragraph (1) of this subsection but for a temporary inability to physically occupy his
77 or her lot directly attributable to ordered duty, deployment, or training required as part
78 of such active duty membership.

79 (b)(1) Except as provided in paragraph (2) of this subsection, on and after
80 January 1, 2027, each member of the board and officer shall be a resident lot owner.

81 (2) Any board member or officer elected or appointed prior to January 1, 2027,
82 regardless of his or her status as a resident lot owner, shall serve out the term of such
83 office; provided, however, that this paragraph shall not be construed to impair any rights,
84 privileges, entitlements, obligations, or duties of any party in connection with such
85 election or appointment. In all such instances, upon the expiration of the board member's
86 or officer's term of such office, each successor of such board member or officer shall be
87 elected or appointed in accordance with the requirement set forth in paragraph (1) of this
88 subsection.

89 (3) For any board member or officer serving a term of more than one year, if such board
90 member or officer is not an active duty member as set forth in paragraph (2) of
91 subsection (a) of this Code section and does not meet the requirement set forth in
92 paragraph (1) of subsection (a) of this Code section relative to the day of the anniversary
93 of his or her election or appointment, such board member or officer shall be subject to

94 removal in accordance with the procedures set forth in the property owners' association
95 instrument or bylaws and any other applicable laws.
96 (c) Each property owners' association shall cause its property owners' association
97 instrument and bylaws, as applicable, to include a requirement that each board member and
98 officer shall be a resident lot owner. In cases where ~~If the instrument or bylaws provides~~
99 ~~provide~~ that any ~~member of the board of directors~~ board member or any officer ~~of the~~
100 ~~association~~ must be a lot owner, then, notwithstanding Code Section 44-3-221, the term 'lot
101 owner' ~~in such context~~ shall, unless the instrument ~~or bylaws~~ otherwise ~~provides~~ provide,
102 ~~be~~ are deemed to include, without limitation, any shareholder, director, officer, partner in,
103 or trustee of any person who is, either alone or in conjunction with any other person or
104 persons, a lot owner. Any individual who would not be eligible to serve as a ~~member of~~
105 ~~the board of directors~~ board member or officer were he or she not a shareholder, director,
106 officer, partner in, or trustee of such a person shall be deemed to have disqualified himself
107 or herself from continuing in office if he or she ceases to have any such affiliation with ~~that~~
108 such person.
109 (d) Nothing in this Code section shall be construed to impair any voting rights of a lot
110 owner provided under this article or any property rights of a lot owner provided under any
111 applicable law."

112

SECTION 3.

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