

The House Committee on Regulated Industries offers the following substitute to HB 1222:

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 a definition; to provide for related matters; to provide for  
8 applicability; to repeal 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 in Article 3, the "Georgia Condominium Act," by  
13 revising subsection (e) of Code Section 44-3-80, relating to allocation of and liability for  
14 common expenses and how assessments made, as follows:

15 "(e) Unless otherwise provided in the condominium instruments and except as provided  
16 in subsection (f) of this Code section, the grantee in a conveyance of a condominium unit

17 shall be jointly and severally liable with the grantor thereof for all unpaid assessments  
 18 against the latter up to the time of the conveyance without prejudice to the grantee's right  
 19 to recover from the grantor the amounts paid by the grantee therefor; provided, however,  
 20 that, if the grantor or grantee shall request a statement from the association as provided in  
 21 Code Section ~~44-3-109~~ 44-3-109.1, such grantee and his or her successors,  
 22 successors-in-title, and assigns shall not be liable for nor shall the condominium unit  
 23 conveyed be subject to a lien for any unpaid assessments against such grantor in excess of  
 24 any amount set forth in the statement."

25

## SECTION 2.

26 Said chapter is further amended in said article by revising subsections (d) and (e) of Code  
 27 Section 44-3-109, relating to lien for assessments, personal obligation of unit owner, notice  
 28 and foreclosure, lapse, right to statement of assessments, and effect to failure to furnish  
 29 statement, as follows:

30 ~~"(d) Any unit owner, mortgagee of a unit, person having executed a contract for the~~  
 31 ~~purchase of a condominium unit, or lender considering the loan of funds to be secured by~~  
 32 ~~a condominium unit shall be entitled upon request to a statement from the association or~~  
 33 ~~its management agent setting forth the amount of assessments past due and unpaid together~~  
 34 ~~with late charges and interest applicable thereto against that condominium unit. Such~~  
 35 ~~request shall be in writing, shall be delivered to the registered office of the association, and~~  
 36 ~~shall state an address to which the statement is to be directed. Failure on the part of the~~  
 37 ~~association to mail or otherwise furnish such statement regarding amounts due and payable~~  
 38 ~~at the expiration of such five-day period with respect to the condominium unit involved to~~  
 39 ~~such address as may be specified in the written request therefor within five business days~~  
 40 ~~from the receipt of such request shall cause the lien for assessments created by this Code~~  
 41 ~~section to be extinguished and of no further force or effect as to the title or interest acquired~~  
 42 ~~by the purchaser or lender, if any, as the case may be, and their respective successors and~~

43 ~~assigns, in the transaction contemplated in connection with such request. The information~~  
44 ~~specified in such statement shall be binding upon the association and upon every unit~~  
45 ~~owner. Payment of a fee not exceeding \$10.00 may be required as a prerequisite to the~~  
46 ~~issuance of such a statement if the condominium instruments so provided.~~

47 (e) Nothing in this Code section shall be construed to prohibit actions maintainable  
48 pursuant to Code Section 44-3-76 to recover sums for which subsection (a) of this Code  
49 section creates a lien."

### 50 SECTION 3.

51 Said chapter is further amended in said article by adding a new Code section to read as  
52 follows:

53 "44-3-109.1.

54 (a) Within ten business days after receiving a written or electronic request for a statement  
55 of account from a unit owner or the unit owner's designee, a mortgage lender, or a  
56 mortgagee of a lot or the designee of such mortgagee of a lot, the association shall issue a  
57 statement of account as provided for in this Code section. A request for a statement of  
58 account shall be considered received at the time it is sent if transmitted by electronic means  
59 or by hand delivery, within three days if transmitted by first-class mail, and upon delivery  
60 if transmitted by statutory overnight delivery.

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

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

71 (1) Date of issuance;

72 (2) Name of the unit owner or owners as reflected in the books and records of the  
73 association;

74 (3) Unit designation and address;

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

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

79 (6) Name of the requester;

80 (7) Assessment information and other information:

81 (A) The amount of the regular periodic assessment levied against the unit and the  
82 frequency of such assessment;

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

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

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

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

93 (8) Additional information:

94 (A) Any open violation of any rule or regulation notice to the unit owner in the  
95 association's official records;

- 96 (B) A list of and contact information for all other associations of which the unit owner  
97 is a member by virtue of ownership of the unit;
- 98 (C) A copy of the current covenants and bylaws of the association and a copy of the  
99 rules and regulations adopted by the association;
- 100 (D) A copy of the association's certificate of insurance for any insurance provided by  
101 the association for the lot or the name, address, email address, and telephone number  
102 of the association's insurance provider of any such insurance; and
- 103 (E) The signature of an officer or authorized agent of the association.
- 104 (d) A statement of account issued pursuant to this Code section shall have a 30 day  
105 effective period. If additional information is needed or a mistake related to the statement  
106 of account becomes known to the association or its authorized agent within the effective  
107 period, an amended statement of account may be delivered and become effective if a sale  
108 or refinancing of the unit has not been completed during such effective period. An  
109 amended statement of account shall be delivered on the date of issuance and a new 30 day  
110 effective period shall begin on such date.
- 111 (e) An association waives the right to collect any moneys owed in excess of the amounts  
112 specified in the statement of account from any person and such person's successors or  
113 assigns who in good faith rely upon such statement of account.
- 114 (f) If the association or its authorized agent fails to disclose in the statement of account the  
115 correct amount of an assessment, a special assessment, or other moneys owed to the  
116 association, the purchaser of the unit shall not be obligated to pay the incorrectly disclosed  
117 amount and any lien for the incorrectly disclosed amount owed to the association shall be  
118 extinguished.
- 119 (g)(1) An association's authorized agent may charge the association a reasonable fee for  
120 the preparation and issuance of a statement of account which shall not exceed \$250.00.

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

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

127 **SECTION 4.**

128 Said chapter is further amended in Article 6, the "Georgia Property Owners' Association  
 129 Act," by revising subsection (c) of Code Section 44-3-225, relating to assessment of  
 130 expenses, exemption from liability, and liability for unpaid assessments, as follows:

131 "(c) Unless otherwise provided in the instrument and except as provided in subsection (d)  
 132 of this Code section, the grantee in a conveyance of a lot shall be jointly and severally  
 133 liable with the grantor thereof for all unpaid assessments against the latter up to the time  
 134 of the conveyance without prejudice to the grantee's right to recover from the grantor the  
 135 amounts paid by the grantee; provided, however, that, if the grantor or grantee shall request  
 136 a statement from the association as provided in ~~subsection (d) of Code Section 44-3-232~~  
 137 Code Section 44-3-232.2, such grantee and his or her successors, successors-in-title, and  
 138 assigns shall not be liable for nor shall the property owners' association lot conveyed be  
 139 subject to a lien for any unpaid assessments against such grantor in excess of any amount  
 140 set forth in the statement."

141 **SECTION 5.**

142 Said chapter is further amended in said article by revising Code Section 44-3-232, relating  
 143 to assessments against lot owners as constituting lien in favor of association, additional  
 144 charges against lot owners, procedure for foreclosing lien, and obligation to provide  
 145 statement of amounts due, as follows:

146 ~~“(d) Any lot owner, mortgagee of a lot, person having executed a contract for the purchase~~  
147 ~~of a lot, or lender considering the loan of funds to be secured by a lot shall be entitled upon~~  
148 ~~request to a statement from the association or its management agent setting forth the~~  
149 ~~amount of assessments past due and unpaid together with late charges and interest~~  
150 ~~applicable thereto against that lot. Such request shall be in writing, shall be delivered to~~  
151 ~~the registered office of the association, and shall state an address to which the statement is~~  
152 ~~to be directed. Failure on the part of the association, within five business days from the~~  
153 ~~receipt of such request, to mail or otherwise furnish such statement regarding amounts due~~  
154 ~~and payable at the expiration of such five-day period with respect to the lot involved to~~  
155 ~~such address as may be specified in the written request therefor shall cause the lien for~~  
156 ~~assessments created by this Code section to be extinguished and of no further force or~~  
157 ~~effect as to the title or interest acquired by the purchaser or lender, if any, as the case may~~  
158 ~~be, and their respective successors and assigns, in the transaction contemplated in~~  
159 ~~connection with such request. The information specified in such statement shall be binding~~  
160 ~~upon the association and upon every lot owner. Payment of a fee not exceeding \$10.00~~  
161 ~~may be required as a prerequisite to the issuance of such a statement if the instrument so~~  
162 ~~provides:~~  
163 ~~(e) Nothing in this Code section shall be construed to prohibit actions maintainable~~  
164 ~~pursuant to Code Section 44-3-223 to recover sums for which subsection (a) of this Code~~  
165 ~~section creates a lien.”~~

166 **SECTION 6.**

167 Said chapter is further amended in said article by adding a new Code section to read as  
168 follows:

169 “44-3-232.2.

170 (a) Within ten business days after receiving a written or electronic request for a statement  
171 of account from a lot owner or the lot owner's designee, a mortgage lender, or a mortgagee

172 of a lot or the designee of such mortgagee of a lot, the association shall issue a statement  
173 of account as provided for in this Code section. A request for a statement of account shall  
174 be considered received at the time it is sent if transmitted by electronic means or by hand  
175 delivery, within three days if transmitted by first-class mail, and upon delivery if  
176 transmitted by statutory overnight delivery.

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

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

187 (1) Date of issuance;

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

190 (3) Lot designation and address;

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

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

195 (6) Name of the requester;

196 (7) Assessment information and other information:

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

- 199 (B) The date through which the regular periodic assessments have been paid;  
200 (C) The due date for the next installment of the regular periodic assessment and the  
201 amount due;  
202 (D) An itemized list of all assessments, special assessments, and other moneys owed  
203 to the association for the lot as of the date of issuance of the statement of account; and  
204 (E) An itemized list of any additional assessments, special assessments, and other  
205 moneys that are scheduled to become due for each day after the date of issuance for the  
206 effective period of the statement of account. In calculating the amounts that are  
207 scheduled to become due, the association may assume that any delinquent amounts will  
208 remain delinquent during the effective period of the statement of account; and  
209 (8) Additional information:  
210 (A) Any open violation of any rule or regulation notice to the lot owner in the  
211 association's official records;  
212 (B) A list of and contact information for all other associations of which the lot owner  
213 is a member by virtue of ownership of the lot;  
214 (C) A copy of the current covenants and bylaws of the association and a copy of the  
215 rules and regulations adopted by the association;  
216 (D) A copy of the association's certificate of insurance for any insurance provided by  
217 the association for the lot or the name, address, email address, and telephone number  
218 of the association's insurance provider of any such insurance; and  
219 (E) The signature of an officer or authorized agent of the association.  
220 (d) A statement of account issued pursuant to this Code section shall have a 30 day  
221 effective period. If additional information is needed or a mistake related to the statement  
222 of account becomes known to the association or its authorized agent within the effective  
223 period, an amended statement of account may be delivered and become effective if a sale  
224 or refinancing of the lot has not been completed during such effective period. An amended

225 statement of account shall be delivered on the date of issuance and a new 30 day effective  
226 period shall begin on such date.

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

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

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

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

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

243

#### SECTION 7.

244 Said chapter is further amended in Article 7, relating to developer management of certain  
245 associations, by adding a new Code Section to read as follows:

246 "44-3-251.

247 (a)(1) As used in this Code section, the term 'association' means a corporation or  
248 voluntary entity formed for the purpose of exercising the powers of a homeowners'  
249 association or property owners' association governing a common interest community that  
250 is not subject to Article 3 or 6 of this chapter.

251 (2) This Code section shall apply to a common interest community subject to covenants  
252 restricting land to certain uses affecting planned subdivisions containing no fewer than 15  
253 individual lots and requiring mandatory assessment payments to an association governing  
254 such subdivision, which subdivision is not subject to Article 3 or 6 of this chapter.

255 (b) Within ten business days after receiving a written or electronic request for a statement  
256 of account from a lot owner or the lot owner's designee, a mortgage lender, or a mortgagee  
257 of a lot or the designee of such mortgagee of a lot, the association shall issue a statement  
258 of account as provided for in this Code section. A request for a statement of account shall  
259 be considered received at the time it is sent if transmitted by electronic means or by hand  
260 delivery, within three days if transmitted by first-class mail, and upon delivery if  
261 transmitted by statutory overnight delivery.

262 (c) Each association shall designate on its public website or otherwise publish the name  
263 of a person or entity with a street or email address for receipt of a request for a statement  
264 of account. A statement of account may be prepared and issued by an officer, authorized  
265 agent, or authorized representative of the association, including any authorized agent,  
266 authorized representative, or employee of a management company authorized to complete  
267 the statement of account on behalf of the board or association. The statement of account  
268 shall be provided by email, electronic download, hand delivery, first-class mail, or statutory  
269 overnight delivery to the requester on the date of its issuance.

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

272 (1) Date of issuance;

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

275 (3) Lot designation and address;

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

- 278 (5) Attorney's name and contact information if the account is delinquent and has been  
279 turned over to an attorney for collection;
- 280 (6) Name of the requester;
- 281 (7) Assessment information and other information:
- 282 (A) The amount of the regular periodic assessment levied against the lot and the  
283 frequency of such assessment;
- 284 (B) The date through which the regular periodic assessments have been paid;
- 285 (C) The due date for the next installment of the regular periodic assessment and the  
286 amount due;
- 287 (D) An itemized list of all assessments, special assessments, and other moneys owed  
288 to the association for the lot as of the date of issuance of the statement of account; and
- 289 (E) An itemized list of any additional assessments, special assessments, and other  
290 moneys that are scheduled to become due for each day after the date of issuance for the  
291 effective period of the statement of account. In calculating the amounts that are  
292 scheduled to become due, the association may assume that any delinquent amounts will  
293 remain delinquent during the effective period of the statement of account; and
- 294 (8) Additional information:
- 295 (A) Any open violation of any rule or regulation notice to the lot owner in the  
296 association's official records;
- 297 (B) A list of and contact information for all other associations of which the lot owner  
298 is a member by virtue of ownership of the lot;
- 299 (C) A copy of the current covenants and bylaws of the association and a copy of the  
300 rules and regulations adopted by the association;
- 301 (D) A copy of the association's certificate of insurance for any insurance provided by  
302 the association for the lot or the name, address, email address, and telephone number  
303 of the association's insurance provider of any such insurance; and
- 304 (E) The signature of an officer or authorized agent of the association.

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

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

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

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

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

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

328 **SECTION 8.**

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

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

337 **SECTION 9.**

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

340 **SECTION 10.**

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