

House Bill 1123

By: Representative Jones of the 25th

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 provide that an owner's obligation for the payment of assessments shall include reasonable
3 attorney's fees actually incurred, the collection costs of an attorney, court costs, and, in
4 certain cases, the costs of a completed judicial foreclosure; to remove an owner's obligation
5 to pay the fair rental value of the property from the initiation of a judicial action until
6 foreclosure or the judgment is otherwise satisfied; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by
11 revising subsection (b) of Code Section 44-3-109, relating to lien for assessments, personal
12 obligation of unit owner, notice and foreclosure, lapse, right to statement of assessments, and
13 effect of failure to furnish statement, as follows:

14 "(b) To the extent that the condominium instruments provide, the personal obligation of
15 the unit owner and the lien for assessments shall also include:

16 (1) A late or delinquency charge not in excess of the greater of \$10.00 or 10 percent of
17 the amount of each assessment or installment thereof not paid when due;

18 (2) At a rate not in excess of 10 percent per annum, interest on each assessment or
19 installment thereof and any delinquency or late charge pertaining thereto from the date
20 the same was first due and payable; and

21 ~~(3) The costs of collection, including court costs, the expenses of sale, any expenses~~
22 ~~required for the protection and preservation of the unit, and reasonable attorney's fees~~
23 ~~actually incurred; and~~ Reasonable attorney's fees actually incurred, the collection costs
24 of an attorney, court costs, and the costs of a completed judicial foreclosure pursuant to
25 subsection (c) of this Code section.

26 ~~(4) The fair rental value of the condominium unit from the time of the institution of an~~
 27 ~~action until the sale of the condominium at foreclosure or until the judgment rendered in~~
 28 ~~the action is otherwise satisfied."~~

29 **SECTION 2.**

30 Said title is further amended by revising subsection (b) of Code Section 44-3-232, relating
 31 to assessments against lot owners as constituting lien in favor of association, additional
 32 charges against lot owners, procedure for foreclosing lien, and obligation to provide
 33 statement of amounts due, as follows:

34 "(b) To the extent that the instrument provides, the personal obligation of the lot owner and
 35 the lien for assessments shall also include:

36 (1) A late or delinquency charge not in excess of the greater of \$10.00 or 10 percent of
 37 the amount of each assessment or installment thereof not paid when due;

38 (2) At a rate not in excess of 10 percent per annum, interest on each assessment or
 39 installment thereof and any delinquency or late charge pertaining thereto from the date
 40 the same was first due and payable; and

41 ~~(3) The costs of collection, including court costs, the expenses required for the protection~~
 42 ~~and preservation of the lot, and reasonable attorney's fees actually incurred; and~~
 43 Reasonable attorney's fees actually incurred, the collection costs of an attorney, court
 44 costs, and the costs of a completed judicial foreclosure pursuant to subsection (c) of this
 45 Code section.

46 ~~(4) The fair rental value of the lot from the time of the institution of an action until the~~
 47 ~~sale of the lot at foreclosure or until judgment rendered in the action is otherwise~~
 48 ~~satisfied."~~

49 **SECTION 3.**

50 Said title is further amended by revising subsection (e) of Code Section 44-5-60, relating to
 51 covenants running with land, effect of zoning laws, covenants and scenic easements for use
 52 of public, renewal of certain covenants, and costs, as follows:

53 "(e) To the extent provided in the covenants, the obligation for the payment of assessments
 54 and fees arising from covenants shall include ~~the costs of collection, including~~ reasonable
 55 attorney's fees actually incurred, the collection costs of an attorney, and court costs."

56 **SECTION 4.**

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