

GEORGIA PASSES FORECLOSURE DEED REPORTING & DEVELOPER EXPENSE REPORT REQUIREMENT

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Recording of Foreclosure Deeds

Senate Bill [141](#), signed by the Governor May 4, 2009 and effective July 1, 2009, provides that all deeds under power must be recorded by the holder of the deed secure debt or mortgage within 90 days of the foreclosure sale. This bill was intended to address problems created when lenders unreasonably delayed the recording of their foreclosure deeds in order to avoid assessment obligations and other obligations of ownership.

Expense Report Requirement

House Bill [528](#), signed by the Governor April 30, 2009 and effective July 1, 2009, provides that any developer that directly manages a homeowners association or condominium association whose annual assessment is \$500.00 or more in a development or subdivision with 20 or more homes must provide a report itemizing the expenses for such association to each owner not later than 60 days after the end of the year for which fees were assessed. This requirement does not apply to any development that is subject to the Georgia Property Owners Association Act. The Georgia LAC supported the concept of requiring that certain basic financial information be provided to owners in developer controlled associations.

Legislation that did not pass:

Xeriscaping*

House Bill [262](#), as originally introduced, provided that a covenant that required the use of specified grasses, trees, or bushes could not be enforced in the state so as to prohibit the use of xeriscape practices to reduce the amount of water necessary to maintain the landscape. The Georgia LAC opposed this version of the bill. The bill was later revised to simply state that such covenants could not be enforced in the state so as to require a property owner to violate any state or state authorized local outdoor water use restrictions. The Georgia LAC did not oppose this later version of the bill.

The revised bill passed the House but because it did not come up for a vote in the Senate, it did not become law. Georgia does carry over 2009 legislation to 2010.

* ...the term 'xeriscape practices' means landscape practices that conserve water and protect the environment, utilizing principles of xeriscape such as planning and design, appropriate plant selection, soil analysis and improvement, irrigation efficiency, practical use of turf, appropriate use of mulches, and proper maintenance ...

Assessments Suspension

House Bill [418](#) would have suspended an owner's assessment obligations if a board failed to comply with the association's governing documents. This bill was opposed by the Georgia LAC, and fortunately did not make it to the floor for a vote.