

House Bill 561

By: Representatives Frye of the 118<sup>th</sup>, Wiedower of the 119<sup>th</sup>, Gaines of the 117<sup>th</sup>, Anulewicz of the 42<sup>nd</sup>, and Alexander of the 66<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to condominiums, so as to provide a definition; to provide for a written disclosure  
3 in termination agreements; to limit reconsideration of termination agreements; to limit  
4 control of bulk owners over boards of directors during consideration of termination  
5 agreements; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to  
9 condominiums, is amended in Code Section 44-3-71, relating to definitions, by adding a new  
10 paragraph to read as follows:

11 "(3.1) 'Bulk owner' means one person who owns 80 percent or more of the units in a  
12 condominium association."

**SECTION 2.**

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14 Said article is further amended in Code Section 44-3-98, relating to termination of  
15 condominium, creation of tenancy in common, distribution of assets, and transfer of  
16 mortgages and liens, by adding new subsections to read as follows:

17 “(b.1) Any termination agreement presented to the unit owners for consideration shall  
18 include the following written statement: 'If the members of the board of directors are  
19 elected by the bulk owner, unit owners other than the bulk owner may elect at least  
20 one-third of the members of the board of directors before the approval of any plan of  
21 termination.”

22 “(c.1) When a proposed termination agreement is not agreed upon as required by this Code  
23 section, no subsequent termination agreement shall be considered by the unit owners until  
24 at least 24 months after rejection of the prior proposed termination agreement.”

**SECTION 3.**

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26 Said article is further amended in Code Section 44-3-100, relating to incorporation of  
27 association, name, articles and bylaws, membership, and organization, by adding a new  
28 subsection to read as follows:

29 “(d) All articles of incorporation and bylaws of an association must provide that when the  
30 members of the board of directors are elected by a bulk owner, unit owners other than the  
31 bulk owner may temporarily elect enough additional members of the board of directors so  
32 as to equal one-third of the members of the board of directors for the duration of the  
33 consideration of the termination agreement, and such additional members shall enjoy full  
34 voting privileges.”

**SECTION 4.**

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