

House Bill 820

By: Representatives Powell of the 171<sup>st</sup>, Welch of the 110<sup>th</sup>, Hightower of the 68<sup>th</sup>, Kelley of the 16<sup>th</sup>, Evans of the 42<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 44-3-106 of the Official Code of Georgia Annotated, relating to the  
2 powers and responsibilities of condominium associations and tort actions, so as to clarify  
3 provisions relating to the standing of the association to participate in litigation under certain  
4 circumstances; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-3-106 of the Official Code of Georgia Annotated, relating to the powers and  
9 responsibilities of condominium associations and tort actions, is amended by revising  
10 subsection (h) as follows:

11 "(h) The association shall have the capacity, power, and standing to institute, intervene in,  
12 prosecute, represent in, or defend, in its own name, litigation, administrative or other  
13 proceedings of any kind concerning claims or other matters relating to any portions of the  
14 units or common elements which the association has the responsibility to administer,  
15 repair, or maintain. It is the public policy of this state that such capacity, power, and  
16 standing shall not be waived, abridged, modified, or removed by any provision of any  
17 contract or document, including the condominium instruments, that were recorded, entered  
18 into, or established prior to the expiration of the period of the declarant's right to control  
19 the association as set forth in subsection (a) of Code Section 44-3-101."

20 **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.