

## 2024 Georgia Legislative Session Update

By: [Joey Strength](#), [Robert Hurst](#), [Stuart Wallace](#), et al., published November 20, 2024

The legislative subcommittee of the Real Estate Section monitored several bills related to real estate during the 2024 legislative session. Among those passed by the legislature and signed into law by the governor, the legislative subcommittee highlights the following for your consideration:

### **ACT 375 fka [SB 496](#) - [Relating to Historic Tax Credits].**

Extends the sunset date for the tax credits for the rehabilitation of historic structures to December 31, 2029, expands the criteria for historic homes to qualify for such credits, and extends provisions related to automatic appeals and the sunset date for the revitalization zone tax credit to December 31, 2032.

### **ACT 379 fka [HB 581](#) - [Relating to Revenue and Taxation, so as to Provide Requirements for Ad Valorem Property Tax Bills].**

Modifies and provides definitions, provides for minimum mandatory reappraisal of parcels, gives county boards of tax assessors the right to appeal concerning sales ratio studies under certain conditions, and provides a statewide adjusted base year ad valorem homestead exemption and procedures for counties to opt out of the statewide exemption at the local level among other modifications to Title 48 of the Official Code of Georgia. Notably, this law revises the limitation on increasing property valuations established through appeals or agreements such that it is only applicable if the taxpayer's property receives a reduction in value. Taxpayers no longer will receive the benefit of the limitation on increases if there is no change to a property's value. This law is effective as of January 1, 2025.

### **ACT 388 fka [HB 220](#) - [Relating to Condominium and Homeowners Associations].**

Authorizes condominium and homeowners associations to choose any remedy available under their governing documents to cure violations, without having to first pursue self-help (but in some cases requiring prior notice). It also limits the ability of an association to suspend voting rights and gives owners a right to call an annual meeting of the association in certain circumstances. This law appears to reverse the requirements of *Deerlake Homeowners Association, Inc. v. Brown*, 361 Ga. App. 860 (2021), which had required the association in that case to pursue self-help before exercising other remedies. This law is effective as of July 1, 2024.

### **ACT 390 fka [HB 300](#) - [Relating to Solar Power Facility Agreements; Leases].**

Requires certain provisions in solar power facility agreements relative to the responsibilities of grantees to decommission certain solar power equipment, and to provide for remedies and financial assurances for required decommissioning activities. It lists provisions that must be included in a solar power facility agreement regarding the grantee's restoration of the property upon termination of the agreement. This law applies to solar power facility agreements executed or renewed on or after July 1, 2024.

**ACT 392 fka [HB 404](#) - [Safe at Home Act].**

Requires that residential rental properties be fit for human habitation, limits security deposits to the equivalent of two months' rent, and specifies that the definition of utilities includes cooling, in addition to heat, light, and water services. It also provides a right to cure of three business days to allow tenants to pay past due rent before a landlord can file an eviction. It applies to lease agreements that are entered into or renewed after July 1, 2024.

**ACT 476 fka [HB 279](#) - [Relating to Property Insurance Discounts for Certain Residential or Commercial Properties].**

Amends laws relating to property insurance, to provide for an insurance premium discount or rate reduction. This law applies to property owners who build new property or retrofit existing property to better resist tornadoes, hurricanes, or other catastrophic windstorm events. It requires insurers to provide a discount or rate reduction no later than March 1, 2025. To claim these adjustments, the owner of insurable property must maintain sufficient certification and construction records. This law is effective as of July 1, 2024.

**ACT 483 fka [HB 1017](#) - [Georgia Squatter Reform Act].**

Modifies criminal trespass laws in Georgia and provides an expedited process to remove trespassers who occupy property without authority. The bill presents two avenues for prompt relief: 1) the issuance of a citation giving the occupant a short time to prove that they have the legal right to be present on the property and 2) a quick process following receipt of a counteraffidavit to have a non-jury court hearing and access to prompt ejection through the added use of off duty sworn officers. When issued with a citation, the occupant has three business days to show a properly executed lease, rental agreement, or proof of rental payments. If such evidence is proffered, a hearing shall be set within seven days. A non-meritorious defense will lead to a writ of possession and removal as soon as practical, along with the fair market value rent for the duration of the illegal occupancy along with any other monetary relief as determined by the Court, and a potential fine of \$1,000 and up to one year in jail or both. Submission of a fraudulent lease could also lead to the filing of a felony charge for filing a false document. This law is effective as of April 24, 2024.

**ACT 484 fka [HB 1203](#) - [Relating to Dispossessory Proceedings].**

The law is a companion law to Act 483 and modifies the dispossessory process in Georgia to allow landlords to enlist off-duty sheriffs, constables, or marshals to execute writs of possession if the official authorities are unable to do so within 30 days of the landlord's initial request. Additionally, the bill mandates that sheriffs, constables, and marshals maintain lists of authorized off-duty personnel in their respective jurisdictions to facilitate this process efficiently. Furthermore, the bill outlines the responsibilities and liabilities of landlords and tenants in dispossessory proceedings for tenants who are delinquent in rent. If a judgment is against the tenant, they are held accountable for rents due and any other claims related to the dispute. On the other hand, if the judgment favors the tenant, they have the right to remain on the premises, and the landlord becomes liable for damages caused by wrongful conduct. The bill also addresses the distribution of funds paid into court and the authorization for the removal of tenants or their personal property from the premises through a writ of possession. This law is effective as of April 24, 2024.

**ACT 496 fka [SB 420](#) - [Relating to Ownership of Land by Certain Foreign Persons; Transfer-on-Death Deeds].**

Prohibits the acquisition of a possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport by certain foreign persons and entities (including governments and agents

of foreign governments that are designated as a foreign adversary by the U.S. Secretary of Commerce (currently China, Cuba, Iran, North Korea, and Russia) and entities that are domiciled or 25% owned by entities that are domiciled in such countries) and provides for time limits for such prohibited persons and entities to dispose of such interests. The bill does not apply to residential property and provides some exceptions for foreign persons who were physically present in Georgia for stated periods of time prior to acquiring the possessory interest. It also obligates brokers to advise prospective buyers or sellers of the requirements and limitations of the bill, limits rights to restitution for a transaction that is voided, and gives the legal counsel for the county or municipality, the Attorney General, and any person that was a party to the transaction to file an action to void the conveyance and have the interest revert to the previous owner, and establishes criminal penalties for violations.

This law also creates transfer-on-death deeds in Georgia, in a statutory form, by which a grantor may transfer an interest in real property to one or more designated grantee beneficiaries, to be effective upon the death of the grantor. Further, it provides the process for a grantee beneficiary to accept the transfer by executing an affidavit with certain information and a copy of the owner's death certificate, and recording the affidavit and documents with the clerk of superior court of the county where the real property is located. If the grantor's death occurs after July 1, 2024, and the affidavit and documents are not recorded within nine months of the death of the grantor, the interest under the transfer-on-death deed will revert to the grantor. There is no such time limit in cases where a grantor dies before July 1, 2024. A transfer-on-death deed may be revoked by a grantor prior to the grantor's death by recording a document revoking the conveyance proposed in the transfer-on-death deed (with such revocation requiring attestation by an officer as provided in Code Section 44-2-15 and by two other witnesses). The signature, consent, or agreement of or notice to the designated grantee beneficiary or beneficiaries is not required. A subsequent transfer-on-death deed beneficiary designation will revoke all prior designations. A transfer-on-death deed may not be revoked by the provision of a will. The bill also provides provisions regarding priority, vesting of joint interests, and treatment of the grantor as the absolute owner with regard to creditors and purchasers, prior to death, notwithstanding a transfer-on-death deed. This law is effective as of July 1, 2024.

The current version of this law is available at this link - <https://www.legis.ga.gov/legislation/66460>

**ACT 549 fka [HB 1292](#) - [Relating to Recording; Notary Publics; Unsolicited Offers; Penalties for Fraudulent Instruments].**

Part I of the law requires "self-filers" (persons who are not insurance agents, attorneys, certain bank, credit union, or mortgage lender agents, loan servicer, public official, licensed surveyor, or other certain licensed persons) to provide copies of personal identification information to the clerk prior to recording certain documents, including deeds, mortgages, liens, plats, or tax executions, in the public records. It also requires clerks to maintain the personal identification information and to make it available to others under certain circumstances. After January 1, 2025, self-filers may only file documents using electronic filing. The bill also requires notary publics to confirm the identity of signers by personal knowledge or by review of certain personal identification information and to maintain a register of any self-filers and certain personal identification information obtained from the self-filers, and to be trained on these requirements upon issuance of the notary public certificate or upon renewal. Part I is effective as of January 1, 2025.

Part II of the law amends the Fair Business Practices Act to require additional disclaimers on unsolicited offers for real property when the offer is less than the value of the previous year's assessed value. It also provides for the recovery of attorney fees in certain quiet title actions where the defendant fraudulently created an instrument that is cancelled in the quiet title, and for other damages when an individual has knowingly filed, entered, or recorded, or caused to be filed, entered, or recorded, a false or forged deed or other instrument purporting to convey or encumber an interest in real

property. Part II is effective as of May 2, 2024.

**ACT 573 fka [HB 663](#) - [No Patient Left Alone Act].**

Modifies rules relating to the regulation and construction of hospitals and other health care facilities. As it relates to real estate, it grants patients who are admitted to a hospital or long-term care facility the right to have a designated essential caregiver who shall be allowed to be physically present at all times while the patient is in the hospital or long-term care facility, subject to certain rules. This law is effective as of July 1, 2024.

**ACT 577 fka [HB 934](#) - [Relating to Self-Service Storage Facilities].**

Modifies laws relating to Self-Storage Facilities, to provide for the enforcement of unsigned rental agreements under certain circumstances, to provide for the execution and delivery agreement electronically, and to provide for the vacating of and removal of personal property from self-storage service facilities by occupants under certain circumstances. Notably, the law also establishes a form of written rental agreement for use in self-storage transactions. This law is effective as of July 1, 2024.

**ACT 584 fka [SB 508](#) - [Relating to Protection of Personal Information of State and Federal Judges, Justices, and their Spouses; Recording].**

Provides for a mechanism for the Administrative Office of the Courts to obtain information of judges, justices, and their spouses, and to give notice to each state or local government entity that possesses personally identifiable information about such protected persons to restrict the information from publicly available content and public posting or display unless the protected person consents. This law is effective as of July 1, 2025.

**ACT 594 fka [HB 1073](#) - [Relating to Alcoholic Beverages; Zoning; Video Surveillance Equipment].**

Provides for Sunday sales of alcoholic beverages for consumption on premises in certain special entertainment districts, repeals additional zoning hearing and notice provisions regarding halfway houses, drug rehabilitation centers, or other facilities for treatment of drug dependency, and prohibits local governments from requiring the placement of video surveillance equipment at locations where the retail sale of automotive gasoline occurs. This law is effective as of May 6, 2024.

**ACT 595 fka [HB 1146](#) - [Relating to Water Permits for Private Companies].**

Requires the Georgia Department of Natural Resources to issue water permits to private companies where no public service can be provided within a period of 18 months. This law is effective as of May 6, 2024. It sunsets on January 1, 2029.

**ACT 597 fka [HB 1172](#) - [Relating to Hunting and Fishing and Water Rights].**

Amends O.C.G.A. Section 44-8-5, relating to rights of adjoining landowners in navigable streams, to remove references to the public trust doctrine and to provide that members of the public have the right to use all navigable streams for passage for hunting and fishing. This law is effective as of July 1, 2024.

**ACT 600 fka [HB 1240](#) - [Uniform Commercial Code Modernization Act of 2024].**

Amends the Uniform Commercial Code in Georgia in order to maintain uniformity with the recommendations of

the National Conference of Commissioners of Uniform Laws. Among other things, it establishes commercial law for transactions involving digital assets, amends sections relating to controllable electronic records, adds an article pertaining to transitional provisions, makes other conforming amendments, and provides that nothing in the act is to be construed to support or implement a national digital currency. This law is effective as of July 1, 2024.

**ACT 614 fka [SB 417](#) - [Relating to among other things, notice of accidents involving certain equipment].**

Addresses a number of topics. As it relates to real estate, it amends O.C.G.A. Section 8-2-106 relating to the reporting of accidents involving elevators, dumbwaiters, escalators, manlifts, and moving walks, and the removal from service of such equipment involved in an accident, to require the owner or lessee of such property to file a report to the enforcement authority with all documentation of certain accidents by the end of the next business day after the accident.

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The Legislative Subcommittee of the Real Estate Section has made an effort to include all laws with statewide application that impact real estate or the practice of real estate law in this summary. However, this determination is inherently subjective and may be either overinclusive or underinclusive in certain respects. Additionally, the summary does not cover numerous local acts and resolutions signed into law, such as those related to city charters, homestead exemptions, property conveyances, and other local matters.

If you are aware of any laws passed in 2024 that pertain to real estate and should be brought to the section's attention, please email Joey Strength at [\*\*jstrength@huntermaclean.com\*\*](mailto:jstrength@huntermaclean.com).

*You can find a complete list of bills passed by the legislature and signed by the governor in 2024 [here](#).*