



HARRIS ESTATES HOMEOWNERS ASSOCIATION, INC.

BYLAWS

Article I: General

Section 1 – Applicability

The bylaws must clarify whether the Association has formally opted into the **Georgia Property Owners' Association Act (POAA)**. As the document states, *"the Property Owners' Association Act (POAA) is an 'opt-in' statute."* SB 406 requires explicit linkage to annual corporate registration obligations with the Secretary of State.

Section 2 – Name

No legal issues; name is correctly stated.

Section 3 – Definitions

Definitions must align with the Declaration; no statutory conflicts noted.

Section 4 – Membership

Major compliance issues under HB 220:

- Membership cannot be suspended, but **voting rights and amenity privileges can be lawfully suspended** for unpaid **regular or special assessments**.
- Joint-owner voting rules must be clarified to prevent disputes.
- SB 406 requires owners to submit proof of ownership (recorded deed) for roster accuracy.
- Awkward phrasing ("for the entire period of privileges of the member") must be corrected.

Section 5 – Entity Member

Entity-owned lots require:

- Verification of designated representatives through written corporate resolutions.
- Suspension of voting/board eligibility if the entity-owned lot is delinquent under HB 220.

- SB 406 requires updating Secretary of State filings within 30 days when entity representatives change.
- Trust representation must follow Georgia trust law: **only Trustees hold legal authority**, not beneficiaries.

Section 6 – Voting

This section contains **major HB 220 violations**:

- Voting rights **cannot** be suspended for fines or covenant violations.
- Voting suspensions must be limited to unpaid **regular or special assessments**.
- “Any payment due” is unlawful; must be revised to “regular or special assessments.”
- SB 406 payment-priority rules must be incorporated.
- Conflicting co-owner votes must void the vote for that lot.
- Electronic voting must be explicitly authorized.

Section 7 – Majority

HB 220 requires suspended votes to be **excluded** from quorum and majority calculations. Electronic ballots must be recognized under O.C.G.A. § 14-3-708. SB 406 oversight increases the risk of administrative challenges if voting math is incorrect.

Section 8 – Purpose

The Association’s authority to collect assessments and enforce covenants is **conditional** under SB 406:

- The HOA must maintain **active annual registration** with the Secretary of State.
- SB 406 and HB 220 impose strict rules on payment application, notice windows, and fine limits.
- The bylaws must reference POAA (if opted in) and applicable Georgia statutes.

Section 9 – Electronic Documents & Signatures

Electronic delivery of notices is allowed, but:

The bylaws must explicitly reference POAA and Georgia statutory hierarchy.

SB 406 requires active registration before any enforcement or collection action.

SB 406 and HB 220 impose strict rules on notice timing, payment application, and lien/foreclosure procedures.