LEGISLATIVE UPDATE

RE: House Bill 974 (requiring real estate documents to be e-filed for recordation)

The Executive Committee of the Real Property Section has heard numerous concerns about House Bill 974 since it was filed in the General Assembly on January 24, 2022. The current version of House Bill 974 requires all real estate documents to be e-filed but permits walk-in original paper recordation at the courthouse. The Bill would prohibit original paper recordations by US mail and overnight delivery service.

Several members of the Real Estate Law Section’s leadership appeared before the House Judiciary Committee in their individual capacity to request an amendment to the Bill that would continue to allow original paper recordations by US mail, overnight delivery service and hand delivery. The House Judiciary Committee ultimately added language that would allow walk-in original paper recordations, but the current version of the Bill still prohibits original paper recordations by US mail and overnight delivery service. Procedurally, House Bill 974 is currently in the House Rules Committee, which sets the schedule of bills that will be heard on the House floor for a vote. If the Bill passes by March 15, it will crossover to the state Senate for consideration.

Last week, the Executive Committee of the Real Property Law Section formally requested that the State Bar of Georgia leadership oppose House Bill 974. Ultimately, the Bar’s leadership determined that the State Bar will not take an official position on HB 974 during this legislative session.