

1 A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS
2 RECOGNIZING THE FORECLOSURE CRISIS AFFECTING THE CITIZENS OF
3 FULTON COUNTY, GEORGIA; EXPRESSING THE BOARD OF COMMISSIONERS'
4 DESIRE TO ASSIST FULTON COUNTY HOMEOWNERS, HOMEOWNERS
5 ASSOCIATIONS, CONDOMINIUM ASSOCIATIONS, AND PROPERTY OWNERS ACT
6 ASSOCIATIONS IN AVOIDING THE FORECLOSURE PROCESS; URGING THE
7 FULTON COUNTY SUPERIOR COURT TO WORK WITH DESIGNATED AGENCIES
8 TO UTILIZE AVAILABLE FUNDING TO PREVENT FORECLOSURES; DIRECTING
9 THE FULTON COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT TO
10 PROVIDE RESOURCES TO THOSE AT RISK OF BEING FORECLOSED UPON; AND
11 FOR OTHER PURPOSES.

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13 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Fulton County Board of
14 Commissioners “has exclusive jurisdiction and control over . . . making such rules and
15 regulations for the support of the poor of the county, and for the promotion of health, as
16 are not inconsistent with law; [and] . . . to exercise such other powers as are granted by
17 law, or are indispensable to their jurisdiction over county matters and county finances”;
18 and

19 **WHEREAS**, according to the United States Census Bureau, on or about July 1,
20 2021, there were 4,475,274 housing units in the State of Georgia; and

21 **WHEREAS**, *The Housing Market Profile Report* dated April 1, 2022, for the
22 Atlanta-Sandy Springs-Roswell market, produced by the United States Federal
23 Department of Housing and Urban Development’s Office of Policy Development and
24 Research, notes that “the rate of seriously delinquent loans and [real estate owned]
25 properties declined significantly in the Atlanta metropolitan area from a year ago but
26 remained higher than the rate for the nation”; and

27 **WHEREAS**, according to ATTOM, a real estate data management company,
28 Georgia’s foreclosure rate for the month of October 2022 is one foreclosure for every
29 1,460 homes; and

30 **WHEREAS**, this rate of foreclosure(s) represents a 141% increase from October
31 2021; and

32 **WHEREAS**, the Board of Commissioners is concerned that without any
33 intervention, the foreclosure rate may continue to increase unabated, causing harm to
34 Fulton County citizens; and

35 **WHEREAS**, the Georgia Property Owners Association Act (O.C.G.A. § 44-3-220
36 *et. seq.*) and the Georgia Condominium Act (O.C.G.A. § 44-3-70 *et. seq.*) permit a
37 homeowners association, property owners association, or condominium association to
38 foreclose on liens over \$2,000.00 by petitioning the Superior Court of Fulton County,
39 Georgia to foreclose on property located within the County; and

40 **WHEREAS**, in those instances, a homeowner may lose their home for a fraction
41 of what is owed on the mortgage; and

42 **WHEREAS**, the Board of Commissioners is concerned that the adjudication of
43 cases pursuant to the Georgia Property Owners Association Act and the Georgia
44 Condominium Act may lead to unjust results for homeowners and may exacerbate the
45 foreclosure crisis; and

46 **WHEREAS**, the Board of Commissioners is aware that the Superior Court of
47 Fulton County, Georgia regularly develops standing orders for the efficient management
48 of recurring case types, which could include foreclosure actions; and

49 **WHEREAS**, in 2021, Congress enacted the American Rescue Plan Act (“ARPA”),
50 P.L. 117-2, to provide relief to all persons/citizens from the economic effects of the
51 COVID-19 pandemic; and

52 **WHEREAS**, Section 3206 of ARPA provides for funds for the establishment of a
53 Homeowner Assistance Fund, to assist homeowners at financial risk; and

54 **WHEREAS**, Congress allocated \$9.9 billion dollars to the Homeowner Assistance
55 Fund to be used for "preventing homeowner mortgage delinquencies, defaults,
56 foreclosures, loss of utilities or home energy services, and displacements of
57 homeowners experiencing financial hardship after January 21, 2020"; and

58 **WHEREAS**, the monies of the Homeowner Assistance Fund have been
59 distributed to all States and Territories of the United States, with Georgia's allotment of
60 Homeowner Assistance Funds monies is \$354 million to be administered by the Georgia
61 Department of Community Affairs (a/k/a "DCA"); and

62 **WHEREAS**, the Board of Commissioners desires to ensure that Fulton County
63 homeowners, homeowners associations, condo associations, and property owners act
64 associations are aware of the Homeowner Assistance Fund program and other programs
65 that may help them to avoid the foreclosure process.

66 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
67 Commissioners hereby urges the Chief Judge of the Superior Court of Fulton County,
68 Georgia to develop standing orders and procedures to allow a homeowner responding
69 to an action to foreclose on a lien which has been filed by a homeowners association,
70 property owners association, or a condominium association to apply for relief from the
71 Homeowners Assistance Fund managed by the Georgia Department of Consumer
72 Affairs (DCA) before a hearing on the petition to foreclose on said lien is held.

73 **BE IT FURTHER RESOLVED**, that the Fulton County Board of Commissioners
74 further urges the Chief Judge of Superior Court to explore the feasibility of adopting and

75 publishing standing procedures including participation in alternative dispute resolution to
76 add transparency to the foreclosure process.

77 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby directs
78 the Fulton County Department of Community Development to work with the Georgia
79 Department of Community Affairs to provide resources and information on foreclosure
80 prevention to Fulton County homeowners at risk for foreclosure, including access to
81 funds from the Homeowners Assistance Fund managed by the Georgia Department of
82 Community Affairs.

83 **BE IT FURTHER RESOLVED**, that the Fulton County Department of Community
84 Development is further directed to search for, utilize, or develop additional programs and
85 resources designed to provide foreclosure assistance and relief for Fulton County
86 homeowners and report them to the Board of Commissioners no later than 180 days
87 from the date of this Resolution.

88 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission is hereby directed
89 to send this Resolution upon its adoption to the Chief Judge of the Superior Court of
90 Fulton County, Georgia.

91 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
92 adoption and that all resolutions and parts of resolutions in conflict with this Resolution
93 are hereby repealed to the extent of such conflict.

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95 **SO PASSED AND ADOPTED**, this 21st day of December, 2022.

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FULTON COUNTY BOARD OF
COMMISSIONERS

SPONSORED BY:

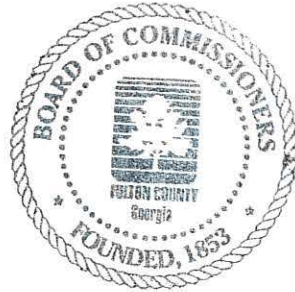
Marvin S. Arrington, Jr.

Marvin S. Arrington, Jr., District 5

106 **ATTEST:**

Tonya R. Grier

Tonya R. Grier, Clerk to the Commission



111 **APPROVED AS TO FORM:**

Y. Seo Jo

Y. Seo Jo, County Attorney

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