

May 9, 2017

OCGA § 15-6-67 The “Georgia Plat and Condominium Plan Recording Act of 2017”

On May 8, 2017 Governor Deal signed HB76, which amends this code section regarding requirements for plats and condominium plans, and for recording the same. This bill was drafted to specifically address some unintended consequences of HB1004 which was passed in 2016.

Bill Sponsor Rep. Rick Jasperse and legislative counsel were instrumental in ushering HB76 through the legislative process and to the Governor’s desk. HB76 represents a collaborative effort of the Georgia Board of Registration for Professional Engineers and Land Surveyors (the Board), the Association County Commissioners of Georgia (ACCG), the Georgia Municipal Association (GMA), the Surveying and Mapping Society of Georgia (SAMSOG), and the Georgia Superior Court Clerks Cooperative Authority (GSCCCA).

The bill is effective immediately, upon signing, and is now in full effect. This memorandum is intended to help the many stakeholder groups to understand the Board’s interpretation and expectations of plat preparation and requirements moving forward, as well as to answer many common questions. Plats and plans will continue to be submitted for recording using the GSCCCA e-file platform, which remains unaffected by HB76. The Board has authorized release of this guidance by vote at regular meeting this date.

A list of key aspects of HB76 follows:

1. The prior language in HB1004 brought condominium floor plans, plot plans, and site plans into the plat recording code, requiring them to be certified as survey plats. The revised language in HB76 now separates them and brings conformity to the applicable existing portions of the Condominium Act, which provides for such drawings to be sealed by Engineers and Architects, without the certification and approval process required for plats.
2. The three-inch square box remains a requirement in the upper left hand corner of all plats and condominium plans, reserved for the recording information to be inserted by the Clerk.
3. The Surveyor Certification has changed. The previous single certification language has been replaced by four certifications, one of which must be placed on all plats. The statutory certification language must be placed within a box on the plat and be set out as stated in the law, verbatim.
 - A. Certification (i) provides for the continuation of traditional plat approval processes which may use signatures, rubber stamps, and approval certificates of local officials as may be required by local ordinances. The surveyor may sign and release plats without these approvals in place, for the purpose of obtaining such approvals. When using Certification (i), it is anticipated that all required approvals will be in place, as well as the Surveyor’s signature and seal, when the plat is submitted for recording.
 - B. Certification (ii) provides for a paperless online plat review and approval process by local officials. Plats using Certification (ii) and such paperless process must provide an Approval Table, which will contain the name of each governmental body or agency that approved the plat, the name of the individual who approved the plat, and the date of such approval. In order to submit such plats for the local approval process, the Surveyor may denote (in place of the signature) appropriate language such as “DRAFT – ISSUED FOR REVIEW PRIOR TO APPROVAL”, and removing such language and applying the signature prior to submitting the image to the Clerk for recording. Surveyors may

instead opt to sign the plat when submitted, with qualifying language regarding the plat being issued for review prior to approval.

Certification (ii) may also be used when a local government has issued a categorical waiver of approval for certain classes or types of plats meeting specific criteria. The Surveyor must state within the Approval Table the local government by name and the specific ordinance or resolution providing that no such approval is required.

- C. Certification (iii) applies only to Retracement Surveys which do not subdivide or create a new parcel, or make any changes to any real property boundaries. Plats which use Certification (iii) will state within the Surveyor Certification box, in bold letters, a notation that **RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND**. The Surveyor must also cite the recording information of the documents, maps, plats, or other instruments which created the parcel or parcels shown. Plats using Certification (iii) may also contain the depiction of gores, overlaps, or other parcel delineation related to title issues or deficiencies, and may also show existing or proposed easements for utilities or for conservation purposes. Plats using Certification (iii) ***shall be entitled to recordation without further review or local approval.***
- D. Certification (iv) will apply to plats of property which lie completely within a jurisdiction that does not review or approve plats. Certification (iv) may be also be used when the local government has issued a resolution, ordinance, or other policy specifying that no approval of such plat is necessary prior to recording, similarly to Certification (ii).
- E. All surveys issued in Georgia must contain one of these four certifications, even if immediate recording is not planned or anticipated.

- 4. Consistent with the prior language provided in HB1004, the Surveyor's signature is no longer required to be in a contrasting color of ink, nor is it required to be placed over the seal. The signature shall be placed on a line immediately beneath the Surveyor Certification. The Surveyor's seal shall be placed within or next to the Surveyor Certification box.
- 5. Any plat or condominium plan which was prepared (and dated) prior to May 8, 2017 (the effective date of HB76) may be recorded provided that such plats or plans were in compliance with previous statutory requirements, at the discretion of the Clerk. Any such older plat or plan must be submitted using the e-file process.

This is not a comprehensive listing of the requirements for plats and condominium plans, but is an overview of the major changes resulting from HB76, as interpreted by the Board. All Surveyors should carefully review all of the provision of the new law and Board rules before issuing surveys. The Board wishes to thank all of the governmental officials and their staffs, as well as the various stakeholder groups and individuals who were instrumental in effecting these needed changes and providing increased clarity to the practice of land surveying in the State of Georgia.