

House Bill 1254

By: Representative McLaurin of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated,
2 relating to covenants and warranties, so as to provide that a general warranty of title shall not
3 limit or encumber rights arising from the relationship of landlord and tenant; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated, relating to
8 covenants and warranties, is amended by revising Code Section 44-5-62, relating to scope
9 of general warranty, as follows:

10 "44-5-62.

11 A general warranty of title against the claims of all persons includes covenants of a right
12 to sell, of quiet enjoyment, and of freedom from encumbrances. No covenant in this Code
13 section shall be construed to be the same as any common-law covenant of quiet enjoyment
14 between landlord and tenant, nor shall any limit on the applicability of a covenant provided
15 for under this Code section be construed to apply to limit any common-law covenant of
16 quiet enjoyment, express or implied, of any tenant in any claim against his or her landlord."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.