

House Bill 818

By: Representatives Lim of the 99th, Scott of the 76th, Park of the 101st, Lopez of the 86th, and Mainor of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
2 landlord and tenant, so as to provide for residential eviction diversion programs; to provide
3 for dispossessory procedures under certain circumstances; to provide for certain notices to
4 tenants for dispossessory proceedings; to provide for mediation; to provide for rules and
5 regulations; to require landlord participation; to provide for defenses; to provide for related
6 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
11 tenant, is amended by revising subsection (a) of Code Section 44-7-50, relating to demand
12 for possession, procedure upon a tenant's refusal, and concurrent issuance of federal lease
13 termination notice, as follows:

14 "(a) Except as provided in Code Section 44-7-50.1, in ~~in~~ all cases when a tenant holds
15 possession of lands or tenements over and beyond the term for which they were rented or
16 leased to such tenant or fails to pay the rent when it becomes due and in all cases when

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17 lands or tenements are held and occupied by any tenant at will or sufferance, whether under
18 contract of rent or not, when the owner of such lands or tenements desires possession of
19 such lands or tenements, such owner may, individually or by an agent, attorney in fact, or
20 attorney at law, demand the possession of the property so rented, leased, held, or occupied.
21 If the tenant refuses or fails to deliver possession when so demanded, the owner or the
22 agent, attorney at law, or attorney in fact of such owner may immediately go before the
23 judge of the superior court, the judge of the state court, or the clerk or deputy clerk of either
24 court, or the judge or the clerk or deputy clerk of any other court with jurisdiction over the
25 subject matter, or a magistrate in the district where the land lies and make an affidavit
26 under oath to the facts. The affidavit may likewise be made before a notary public."

27 **SECTION 2.**

28 Said chapter is further amended by adding a new Code section to read as follows:

29 "44-7-50.1.

30 (a) This Code section shall apply to all cases, except when eviction is necessary to cease
31 or prevent an imminent and direct threat of harm by a tenant, including physical harm or
32 harassment, when:

33 (1) A residential tenant holds possession of lands or tenements over and beyond the term
34 for which they were rented or leased to such tenant or fails to pay the rent when it
35 becomes due and in all cases when lands or tenements are held and occupied by any
36 tenant at will or sufferance, whether under contract of rent or not; and

37 (2) The court with jurisdiction over a dispossessory proceeding under this article for such
38 land or tenement has established a residential eviction diversion program under Code
39 Section 44-7-130.

40 (b) When the owner of lands or tenements described in paragraph (1) of subsection (a) of
41 this Code section desires possession of such lands or tenements, such owner may,

42 individually or by an agent, attorney in fact, or attorney at law, demand the possession of
43 the property so rented, leased, held, or occupied, provided that such demand shall:

44 (1) Be in writing;

45 (2) Notify the tenant that he or she has a right to request to participate in a residential
46 eviction diversion program within seven days following receipt of such notice; and

47 (3) Include the contact information for such program and instructions on how the tenant
48 may request to participate.

49 (c) If a tenant desires to participate in a residential eviction diversion program, the tenant
50 shall request to schedule a mediation with the program no later than seven days after
51 receiving the demand for possession in the manner required by such program.

52 (d) If the tenant does not choose to participate in the residential eviction program within
53 seven days as provided in subsection (c) of this Code section or if the tenant chooses to
54 participate in the residential eviction program but the program is unable to offer a date to
55 schedule the mediation within 30 days of such request or if the tenant and landlord
56 participate in mediation but are unable to come to an agreement and the tenant refuses or
57 fails to deliver possession, the owner or the agent, attorney at law, or attorney in fact of
58 such owner may immediately go before the judge of the superior court, the judge of the
59 state court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy
60 clerk of any other court with jurisdiction over the subject matter, or a magistrate in the
61 district where the land lies and make an affidavit under oath to the facts. The affidavit may
62 likewise be made before a notary public."

63 **SECTION 3.**

64 Said chapter is further amended by adding a new article to read as follows:

65

"ARTICLE 766 44-7-130.

67 (a) Any court with jurisdiction over dispossessory proceedings under Article 3 of this
68 chapter may establish a residential eviction diversion program that provides for mediation
69 between a landlord and tenant to assist in resolving an asserted residential lease violation.

70 (b) Such court shall publish and make available to the public contact information for such
71 program.

72 (c) Such program shall comply with the Supreme Court of Georgia Alternative Dispute
73 Resolution Rules and appendices.

74 (d) The Supreme Court of Georgia may adopt such additional rules and regulations as may
75 be necessary to provide for such programs.

76 44-7-131.

77 (a) A landlord shall participate in any mediation scheduled pursuant to this article.

78 (b) A landlord's failure to comply with the notice requirement provided in Code Section
79 44-7-50.1 or failure to participate in a scheduled mediation may be asserted as a defense
80 by a tenant and may not be waived."

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SECTION 4.

82 This Act shall become effective on January 1, 2023, and shall apply to residential lease
83 agreements that are entered into or renewed on or after July 1, 2021.

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SECTION 5.

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