

House Bill 834

By: Representatives Ballinger of the 23rd, Beskin of the 54th, Blackmon of the 146th, Hilton of the 95th, Corbett of the 174th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to general provisions concerning landlord and tenant, so as to provide for the
3 termination of a rental or lease agreement for residential real estate under circumstances
4 involving family violence; to provide for definitions; to provide for notice and terms of
5 termination; to provide for applicability; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
10 general provisions concerning landlord and tenant, is amended by adding a new Code section
11 to read as follows:

12 "44-7-23.

13 (a) As used in this Code section, the term:

14 (1) 'Civil family violence order' means any temporary protective order or permanent
15 protective order issued pursuant to Article 1 of Chapter 13 of Title 19.

16 (2) 'Criminal family violence order' means:

17 (A) Any order of pretrial release issued as a result of an arrest for an act of family
18 violence; or

19 (B) Any order for probation issued as a result of a conviction or plea of guilty, nolo
20 contendere, or first offender to an act of family violence.

21 (3) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1.

22 (b) A tenant may terminate his or her rental or lease agreement for residential real estate
23 effective 30 days after providing the landlord with a written notice of termination when a
24 civil family violence order or criminal family violence order has been issued:

25 (1) Protecting such tenant; or

26 (2) Protecting such tenant when he or she is a joint tenant, even when such protected
27 tenant had no obligation to pay rent to the landlord.

28 (c) The notice to the landlord pursuant to subsection (b) of this Code section shall be
29 accompanied by a certified copy of the applicable civil family violence order or criminal
30 family violence order.

31 (d) In the event a tenant authorized to terminate his or her rental or lease agreement for
32 residential real estate under paragraph (1) or (2) of subsection (b) of this Code section dies
33 or becomes incapacitated, an adult member of his or her immediate family may terminate
34 such agreement by providing the landlord with notice of termination as provided in this
35 Code section, including providing a certified copy of the applicable court order.

36 (e) Upon termination of a rental or lease agreement for residential real estate under this
37 Code section, the tenant may occupy the real estate until the termination is effective. Such
38 tenant shall be liable for the rent due under such agreement prorated to the effective date
39 of the termination, if he or she is obligated to pay rent to the landlord, payable at such time
40 as would have otherwise been required by the terms of such agreement, and for any
41 delinquent or unpaid rent or other sums owed to the landlord prior to the termination of
42 such agreement. The tenant shall not be liable for any other fees, rent, or damages due to
43 the early termination of the tenancy as provided for in this Code section and so long as all
44 of the other terms of such agreement have been complied with, shall be entitled to the
45 return of his or her security deposit and last month's rent, as applicable. Notwithstanding
46 any provision of law to the contrary, if a tenant terminates a rental or lease agreement for
47 residential real estate pursuant to this Code section 14 or more days prior to occupancy, no
48 damages or penalties of any kind will be assessable.

49 (f) This Code section shall apply to all rental or lease agreements for residential real estate
50 entered into on or after July 1, 2018, and to any renewals, modifications, or extensions of
51 such agreements in effect on such date. This Code section shall not be waived or modified
52 by the agreement of the parties under any circumstances."

53 **SECTION 2.**

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