

Senate Bill 439

By: Senators Tippins of the 37th, Summers of the 13th, Hufstetler of the 52nd, Burns of the 23rd, Hickman of the 4th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to dispossessory proceedings, so as to provide that the owner of a property or  
3 tenement at issue in a dispossessory proceeding shall be allowed to appear during a trial of  
4 the issues individually or by an agent, attorney in fact, or attorney at law; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to  
9 dispossessory proceedings, is amended by revising subsection (b) of Code Section 44-7-53,  
10 relating to when writ of possession issued, trial of issues, and possession pending trial, as  
11 follows:

12 "(b) If the tenant answers, a trial of the issues shall be had in accordance with the  
13 procedure prescribed for civil actions in courts of record, except that, if the action is tried  
14 in the magistrate court, the trial shall be had in accordance with the procedures prescribed  
15 for that court; provided, however, that, in any such trial, the owner of the land or tenement  
16 at issue may appear individually or by an agent, attorney in fact, or attorney at law. Every

17 effort should be made by the trial court to expedite a trial of the issues. The defendant shall  
18 be allowed to remain in possession of the premises pending the final outcome of the  
19 litigation; provided, however, that, at the time of his or her answer, the tenant must pay rent  
20 into the registry of the court pursuant to Code Section 44-7-54."

21

**SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.