

House Bill 1153

By: Representatives Jones of the 25th, Martin of the 49th, Seabaugh of the 34th, Anderson of the 10th, and Huddleston of the 72nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to
2 enact the "Homeowners Protection Act"; to provide for a rental intention affidavit regarding
3 dispossessory proceedings; to provide for removal of affidavit; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in
8 Article 1 of Chapter 2, relating to recording relative to recording deeds and other real
9 property transactions, by adding a new Code section to read as follows:

10 "44-2-4.1.

11 (a) This Code section shall be known and may be cited as the 'Homeowners Protection
12 Act.'

13 (b) Any person who owns property may file a written affidavit with the clerk of the
14 superior court of the county where such property resides stating the intention to not subject
15 such property to rental agreement. Such affidavit shall:

16 (1) Identify the address of the property;

- 17 (2) State that such person is the rightful owner of the property;
18 (3) State that such property is not currently under a rental agreement; and
19 (4) Request that any unlawful tenant be removed within one calendar day upon
20 confirmation of the owner's written affidavit.
21 (c) The affidavit provided for in subsection (b) of this Code section may be used in
22 dispossessory proceedings as provided in Code Section 44-7-50."

23 **SECTION 2.**

24 Said title is further amended by revising Code Section 44-7-50, relating to demand for
25 possession, procedure upon a tenant's refusal, and concurrent issuance of federal lease
26 termination notice, as follows:

27 "44-7-50.

28 (a) In all cases when a tenant holds possession of lands or tenements over and beyond the
29 term for which they were rented or leased to such tenant or fails to pay the rent when it
30 becomes due and in all cases when lands or tenements are held and occupied by any tenant
31 at will or sufferance, whether under contract of rent or not, when the owner of such lands
32 or tenements desires possession of such lands or tenements, such owner may, individually
33 or by an agent, attorney in fact, or attorney at law, demand the possession of the property
34 so rented, leased, held, or occupied. If the tenant refuses or fails to deliver possession
35 when so demanded, the owner or the agent, attorney at law, or attorney in fact of such
36 owner may immediately go before the judge of the superior court, the judge of the state
37 court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk
38 of any other court with jurisdiction over the subject matter, or a magistrate in the district
39 where the land lies and make an affidavit under oath to the facts. The affidavit filed as
40 provided in Code Section 44-2-4.1 may also be the basis to demand the possession of the
41 property. The affidavit may likewise be made before a notary public.

42 (b) If issued by a public housing authority, the demand for possession required by
43 subsection (a) of this Code section may be provided concurrently with the federally
44 required notice of lease termination in a separate writing."

45

SECTION 3.

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