

House Bill 404 (COMMITTEE SUBSTITUTE)

By: Representatives Carpenter of the 4th, Williamson of the 112th, Cooper of the 45th, Crawford of the 84th, Oliver of the 82nd, and others

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 a duty of habitability for certain rental agreements;
3 to provide for notice; to provide for a maximum security deposit amount; to provide for a
4 short title; to provide for applicability; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Safe at Home Act."

9 **SECTION 2.**

10 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
11 tenant, is amended by revising Code Section 44-7-13, relating to landlord's duties as to
12 repairs and improvements, as follows:

13 "44-7-13.

14 (a) The landlord ~~must~~ shall keep the premises in repair. ~~He~~ and shall be liable for all
15 substantial improvements placed upon the premises by ~~his~~ such landlord's consent.

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16 (b) Any contract, lease, license, or similar agreement, oral or written, for the use or rental
17 of real property as a dwelling place is deemed to include a provision that the premises is
18 fit for human habitation."

19 **SECTION 3.**

20 Said chapter is further amended by revising subsection (a) of Code Section 44-7-14.1,
21 relating to landlord's duties as to utilities, as follows:

22 "(a) As used in this Code section, the term 'utilities' means cooling, heat, light, and water
23 service."

24 **SECTION 4.**

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

26 "44-7-30.1.

27 No landlord shall demand or receive a security deposit in an amount that exceeds the
28 equivalent of two months' rent."

29 **SECTION 5.**

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

33 "44-7-50.

34 (a) In all cases when a tenant holds possession of lands or tenements over and beyond the
35 term for which they were rented or leased to such tenant ~~or fails to pay the rent when it~~
36 ~~becomes due~~ and in all cases when lands or tenements are held and occupied by any tenant
37 at will or sufferance, whether under contract of rent or not, when the owner of such lands
38 or tenements desires possession of such lands or tenements, such owner may, individually
39 or by an agent, attorney ~~in fact~~ at law, or attorney ~~at law~~ in fact, demand the possession of

40 the property so rented, leased, held, or occupied. If the tenant refuses or fails to deliver
41 possession when so demanded, the owner or the agent, attorney at law, or attorney in fact
42 of such owner may immediately go before the judge of the superior court, the judge of the
43 state court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy
44 clerk of any other court with jurisdiction over the subject matter, or a magistrate in the
45 district where the land lies and make an affidavit under oath to the facts. ~~The~~ Such
46 affidavit may likewise be made before a notary public.

47 (b) If issued by a public housing authority, the demand for possession required by
48 subsection (a) or (c) of this Code section may be provided concurrently with the federally
49 required notice of lease termination in a separate writing.

50 (c) In all cases when a tenant fails to pay the rent, late fees, utilities, or other charges owed
51 to the landlord when it becomes due, if the tenant refuses to pay the amount due or fails to
52 deliver possession when so demanded after being provided with a notice to vacate or pay
53 all past due rent, late fees, utilities, and other charges owed to the landlord within three
54 business days, the owner or the agent, attorney at law, or attorney in fact of such owner
55 may immediately go before the judge of the superior court, the judge of the state court, or
56 the clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk of any
57 other court with jurisdiction over the subject matter, or a magistrate in the district where
58 the land lies and make an affidavit under oath to the facts. Such affidavit may likewise be
59 made before a notary public.

60 (d) The demand for possession notice under subsection (a) of this Code section or the
61 three-day notice to vacate or pay under subsection (c) of this Code section shall be posted
62 in a sealed envelope conspicuously on the door of the property and delivered via any
63 additional method or methods agreed upon in the rental agreement."

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SECTION 6.

65 This Act shall apply to residential lease agreements that are entered into or renewed on or
66 after July 1, 2023.

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SECTION 7.

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