

House Bill 1055

By: Representatives Neal of the 79th, Taylor of the 173rd, Stoner of the 40th, and Leverett of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-7-50 of the Official Code of Georgia Annotated, relating to
2 demand for possession, procedure upon a tenant's refusal, and concurrent issuance of federal
3 lease termination notice, so as to enact the "Georgia Eviction Records Restriction Act"; to
4 provide that certain records of dispossessory actions during the COVID-19 public health
5 emergency may be sealed from the public; to provide for procedure; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Eviction Records Restriction Act."

10 **SECTION 2.**

11 Code Section 44-7-50 of the Official Code of Georgia Annotated, relating to demand for
12 possession, procedure upon a tenant's refusal, and concurrent issuance of federal lease
13 termination notice, is amended by adding two new subsections to read as follows:

14 "(c) Upon the filing of a petition, a court of competent jurisdiction shall, in its discretion
15 and on a case-by-case basis, order the sealing of all public records that are in the custody

16 of the clerk of court and shall make civil case records permanently unavailable to the public
17 in dispossessory actions that took place during the period of the COVID-19 public health
18 emergency from March 13, 2020, to May 11, 2023.

19 (d) The petition provided for in subsection (c) of this Code section shall be made no earlier
20 than 30 days after the court's ruling. A person may have his or her dispossessory record
21 sealed after all other conditions of the underlying judgment or settlement are met; provided,
22 however, that the court finds that, during the COVID-19 public health emergency from
23 March 13, 2020, to May 11, 2023, such person experienced any of the following which
24 resulted in the dispossessory action:

25 (1) Extraordinary financial and economic hardships beyond such person's control;

26 (2) COVID-19 related illness;

27 (3) Loss of employment; or

28 (4) Inability to obtain certain public benefits that were allocated for renters. If public
29 benefits were obtained, such person shall demonstrate that such public benefits were used
30 for their intended purpose."

31 **SECTION 3.**

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