

House Bill 1059

By: Representatives Scott of the 76<sup>th</sup>, Davis of the 87<sup>th</sup>, and Schofield of the 63<sup>rd</sup>

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 residential eviction diversion programs for disabled  
3 and low-income persons; to provide a short title; to provide for dispossessory procedures  
4 under certain circumstances; to provide for certain notices to tenants for dispossessory  
5 proceedings; to provide for mediation; to provide for rules and regulations; to require  
6 landlord participation; to provide for defenses; to provide for dispossessory proceedings; to  
7 provide for related matters; to provide for an effective date and applicability; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Tenant Protection and Mediation  
12 Act."

13 **SECTION 2.**

14 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and  
15 tenant, is amended by revising subsection (a) of Code Section 44-7-50, relating to demand

16 for possession, procedure upon a tenant's refusal, and concurrent issuance of federal lease  
17 termination notice, as follows:

18 "(a) Except as provided in Code Section 44-7-50.1, in In all cases when a tenant holds  
19 possession of lands or tenements over and beyond the term for which they were rented or  
20 leased to such tenant or fails to pay the rent when it becomes due and in all cases when  
21 lands or tenements are held and occupied by any tenant at will or sufferance, whether under  
22 contract of rent or not, when the owner of such lands or tenements desires possession of  
23 such lands or tenements, such owner may, individually or by an agent, attorney in fact, or  
24 attorney at law, demand the possession of the property so rented, leased, held, or occupied.  
25 If the tenant refuses or fails to deliver possession when so demanded, the owner or the  
26 agent, attorney at law, or attorney in fact of such owner may immediately go before the  
27 judge of the superior court, the judge of the state court, or the clerk or deputy clerk of either  
28 court, or the judge or the clerk or deputy clerk of any other court with jurisdiction over the  
29 subject matter, or a magistrate in the district where the land lies and make an affidavit  
30 under oath to the facts. The affidavit may likewise be made before a notary public."

31 **SECTION 3.**

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

33 "44-7-50.1.

34 (a) This Code section shall apply to all cases involving disabled adults, as defined in Code  
35 Section 30-5-3, and low-income persons as defined in Code Section 8-3-301, except when  
36 eviction is necessary to cease or prevent an imminent and direct threat of harm by a tenant,  
37 including physical harm or harassment, when:

38 (1) A residential tenant holds possession of lands or tenements over and beyond the term  
39 for which they were rented or leased to such tenant or fails to pay the rent when it  
40 becomes due and in all cases when lands or tenements are held and occupied by any  
41 tenant at will or sufferance, whether under contract of rent or not; and

42 (2) The court with jurisdiction over a dispossessory proceeding under this article for such  
43 land or tenement has established a residential eviction diversion program under Code  
44 Section 44-7-130.

45 (b) When the owner of lands or tenements described in paragraph (1) of subsection (a) of  
46 this Code section desires possession of such lands or tenements, such owner may,  
47 individually or by an agent, attorney in fact, or attorney at law, demand the possession of  
48 the property so rented, leased, held, or occupied, provided that such demand shall:

49 (1) Be in writing;

50 (2) Notify the tenant that he or she has a right to request to participate in a residential  
51 eviction diversion program within seven days following receipt of such notice; and

52 (3) Include the contact information for such program and instructions on how the tenant  
53 may request to participate.

54 (c) If a tenant desires to participate in a residential eviction diversion program, the tenant  
55 shall request to schedule a mediation with the program no later than seven days after  
56 receiving the demand for possession in the manner required by such program.

57 (d) If the tenant does not choose to participate in the residential eviction program within  
58 seven days as provided in subsection (c) of this Code section or if the tenant chooses to  
59 participate in the residential eviction program but the program is unable to offer a date to  
60 schedule the mediation within 30 days of such request or if the tenant and landlord  
61 participate in mediation but are unable to come to an agreement and the tenant refuses or  
62 fails to deliver possession, the owner or the agent, attorney at law, or attorney in fact of  
63 such owner may immediately go before the judge of the superior court, the judge of the  
64 state court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy  
65 clerk of any other court with jurisdiction over the subject matter, or a magistrate in the  
66 district where the land lies and make an affidavit under oath to the facts. The affidavit may  
67 likewise be made before a notary public.

68 (e) If the tenant does not participate in a residential evictions program or refuses to or fails  
69 to deliver possession of the property in accordance with subsection (d) of this Code section,  
70 such tenant shall be subject to the dispossessory proceedings as provided by Article 3 of  
71 Chapter 7 of Title 44."

72 **SECTION 4.**

73 Said chapter is further amended by adding a new article to read as follows:

74 "ARTICLE 7

75 44-7-130.

76 (a) Any court with jurisdiction over dispossessory proceedings under Article 3 of this  
77 chapter may establish a residential eviction diversion program that provides for mediation  
78 between a landlord and tenant to assist in resolving an asserted residential lease violation.

79 (b) Such court shall publish and make available to the public contact information for such  
80 program.

81 (c) Such program shall comply with the Supreme Court of Georgia Alternative Dispute  
82 Resolution Rules and appendices.

83 (d) The Supreme Court of Georgia may adopt such additional rules and regulations as may  
84 be necessary to provide for such programs.

85 44-7-131.

86 (a) A landlord shall participate in any mediation scheduled pursuant to this article.

87 (b) A landlord's failure to comply with the notice requirement provided in Code Section  
88 44-7-50.1 or failure to participate in a scheduled mediation may be asserted as a defense  
89 by a tenant and may not be waived."

90 **SECTION 5.**

91 This Act shall become effective on January 1, 2025, and shall apply to residential lease  
92 agreements that are entered into or renewed on or after July 1, 2023.

93 **SECTION 6.**

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