

House Bill 408

By: Representatives Cooper of the 43rd, Rich of the 97th, Evans of the 57th, and Holcomb of the 81st

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 revise procedures for the initiation of
3 dispossessory actions; to require a demand by the owner and a tenant's opportunity to cure;
4 to provide for notice and service; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **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 Code Section 44-7-50, relating to demand
10 for possession, procedure upon a tenant's refusal, and concurrent issuance of federal lease
11 termination notice, as follows:

12 "44-7-50.

13 (a)(1) In all cases when a tenant holds possession of lands or tenements over and beyond
14 the term for which they were rented or leased to such tenant or fails to pay the rent when
15 it becomes due and in all cases when lands or tenements are held and occupied by any
16 tenant at will or sufferance, whether under contract of rent or not, when the owner of such

17 lands or tenements desires possession of such lands or tenements, such owner may,
18 individually or by an agent, attorney in fact, or attorney at law, demand the possession
19 of the property so rented, leased, held, or occupied.

20 (2) Such demand shall be made in writing, shall state the amount of rent then past due
21 or any other basis for the demand for the possession of the property, and shall be
22 delivered to the tenant by:

23 (A) Hand delivery or by posting on the premises of such lands or tenements; and

24 (B) First-class mail to the tenant's last known address.

25 (3) Such demand shall:

26 (A) State at no more than two inches from the top margin, in at least 16 point Helvetica
27 font, and at least two inches apart from any other text, and in contrasting color to the
28 color of the paper, the words: 'Landlord's Demand for Possession and Tenant's Notice
29 of 7 Day Opportunity to Cure'; and

30 (B) Instruct the tenant of the means to provide payment or otherwise demonstrate
31 compliance in curing the alleged basis for such demand within seven days or risk
32 eviction.

33 (4) The owner shall make such demand even if the owner believes that the tenant will
34 refuse to comply with such written demand.

35 (5) Within seven days after the receipt of such demand by first-class mail, the tenant
36 shall be allowed to tender to the owner and the owner shall accept all rent duly owed or
37 to show that the alleged basis for such demand has been cured. If the tenant tenders such
38 rent or cures such alleged basis, the owner shall not make an affidavit as provided for
39 under subsection (b) of this Code section.

40 (b) If the tenant refuses or fails to deliver possession when so demanded, to pay the rent
41 then due, or to cure such other basis for a demand under subsection (a) of this Code section
42 within seven days after the tenant's receipt of such demand by first-class mail, the owner
43 or the agent, attorney at law, or attorney in fact of such owner may immediately thereafter

44 go before the judge of the superior court, the judge of the state court, or the clerk or deputy
45 clerk of either court, or the judge or the clerk or deputy clerk of any other court with
46 jurisdiction over the subject matter, or a magistrate in the district where the land lies and
47 make an affidavit under oath to the facts. The affidavit may likewise be made before a
48 notary public.

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

52 (d) Nothing in this Code section shall be construed as barring any defenses at law available
53 to the tenant."

54 **SECTION 2.**

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