

The House Committee on Judiciary offers the following substitute to HB 433:

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 provide for expiry dates for writs of
3 possession after issuance; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
8 dispossessory proceedings, is amended by revising subsection (a) of Code Section 44-7-53,
9 relating to when writ of possession issued, trial of issues, and possession pending trial, as
10 follows:

11 "(a) If the tenant fails to answer as provided in subsection (b) of Code Section 44-7-51, the
12 court shall issue a writ of possession instanter notwithstanding Code Section 9-11-55 or
13 Code Section 9-11-62 and such writ shall be effective for the period of 30 days after
14 issuance unless such effective period is otherwise extended by the court. The court,
15 without the intervention of a jury, shall not require any further evidence nor hold any
16 hearings and the plaintiff shall be entitled to a verdict and judgment by default for all rents
17 due as if every item and paragraph of the affidavit provided for in Code Section 44-7-50
18 were supported by proper evidence."

19 **SECTION 2.**

20 Said article is further amended by revising subsection (b) of Code Section 44-7-54, relating
21 to payment of rent and utility payments into court, issuance of writ upon failure to pay, and
22 disposition of funds, as follows:

23 "(b) If the tenant should fail to make any payment as it becomes due pursuant to
24 paragraph (1) or (2) of subsection (a) of this Code section, the court shall issue a writ of
25 possession that shall be effective for the period of 30 days after issuance unless such

26 effective period is otherwise extended by the court and the landlord shall be placed in full
 27 possession of the premises by the sheriff, the deputy, or the constable upon the execution
 28 of the writ."

29 **SECTION 3.**

30 Said article is further amended by revising subsection (a) of Code Section 44-7-55, relating
 31 to judgment, writ of possession, landlord's liability for wrongful conduct, distribution of
 32 funds paid into court, and personal property, as follows:

33 "(a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered
 34 against the tenant for all rents due and for any other claim relating to the dispute. The court
 35 shall issue a writ of possession, both of execution for the judgment amount and a writ to
 36 be effective at the expiration of seven days after the date such judgment was entered and
 37 for a period of 30 days thereafter, unless such effective period is otherwise extended by the
 38 court, and; except as otherwise provided in Code Section 44-7-56."

39 **SECTION 4.**

40 Said article is further amended by revising Code Section 44-7-56, relating to appeal and
 41 possession and payment of rent pending appeal, as follows:

42 "44-7-56.

43 (a) Any judgment by the trial court shall be appealable pursuant to Chapters 2, 3, 6, and
 44 7 of Title 5, provided that any such appeal shall be filed within seven days of the date such
 45 judgment was entered and provided, further, that, after the notice of appeal is filed with the
 46 clerk of the trial court, the clerk shall immediately notify the trial judge of the notice of
 47 appeal and the trial judge may, within 15 days, supplement the record with findings of fact
 48 and conclusions of law which will be considered as a part of the order of the judge in that
 49 case. If the judgment of the trial court is against the tenant and the tenant appeals this
 50 judgment, the tenant shall be required to pay into the registry of the court all sums found
 51 by the trial court to be due for rent in order to remain in possession of the premises. The
 52 tenant shall also be required to pay all future rent as it becomes due into the registry of the
 53 trial court pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54 until the
 54 issue has been finally determined on appeal.

55 (b) Upon the issue being finally determined on appeal as provided for by this Code section,
 56 any writ of possession which issues, or has been issued, shall be effective for the period of
 57 30 days after the date upon which the issue has been finally determined unless such
 58 effective period is otherwise extended by the court."

59

SECTION 5.

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