

House Bill 954

By: Representatives Hilton of the 95th, Cooper of the 43rd, Willard of the 51st, Jones of the 47th, Oliver of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to landlord and tenant generally, so as to prohibit retaliation by a landlord against a
3 tenant for taking certain actions; to provide for circumstances that are not considered
4 retaliation; to provide for remedies; 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 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
9 landlord and tenant generally, is amended by adding a new Code section to read as follows:
10 "44-7-23.

11 (a) A landlord shall not retaliate against a tenant by taking an action described by
12 subsection (b) of this Code section because the tenant:

13 (1) In good faith exercises or attempts to exercise against a landlord a right or remedy
14 granted to the tenant by lease, municipal ordinance, or federal or state statute;

15 (2) Gives a landlord a notice to repair or exercise a remedy under this chapter;

16 (3) Complains to a governmental entity responsible for enforcing building or housing
17 codes, a public utility, or a civic or nonprofit agency, and the tenant:

18 (A) Claims a building or housing code violation or utility problem; and

19 (B) Believes in good faith that the complaint is valid and that the violation or problem
20 occurred; or

21 (4) Establishes, attempts to establish, or participates in a tenant organization.

22 (b) A landlord shall not, within six months after the date that a tenant takes any action
23 described under subsection (a) of this Code section, retaliate against the tenant by:

24 (1) Filing a dispossessory action, except for the grounds stated in paragraph (3) of
25 subsection (c) of this Code section;

26 (2) Depriving the tenant of the use of the premises, except for reasons authorized by law;

- 27 (3) Decreasing services to the tenant;
 28 (4) Increasing the tenant's rent or terminating the tenant's lease; or
 29 (5) Engaging, in bad faith, in a course of conduct that materially interferes with the
 30 tenant's rights under the tenant's lease.
- 31 (c) A landlord shall not be liable for retaliation under this Code section:
- 32 (1) If the landlord proves that the action was not made for purposes of retaliation;
 33 (2) For increasing rent:
- 34 (A) Under an escalation clause in a written lease for utilities, taxes, or insurance; or
 35 (B) As part of a pattern of rent increases or for reducing services as part of a pattern
 36 of service reductions, for an entire multiunit residential building or complex; or
 37 (3) For a dispossession action or lease termination in accordance with this chapter based
 38 on one or more of the following circumstances:
- 39 (A) The tenant is delinquent in rent when the landlord gives notice to vacate or files
 40 a dispossession action;
- 41 (B) The tenant, a member of the tenant's family, or a guest or invitee of the tenant
 42 intentionally damages property on the premises or by word or conduct threatens the
 43 personal safety of the landlord, the landlord's employees, or another tenant;
- 44 (C) The tenant has materially breached the lease, other than by holding over, by an
 45 action such as violating written lease provisions prohibiting serious misconduct or
 46 criminal acts;
- 47 (D) The tenant holds over after giving notice of termination or intent to vacate; or
 48 (E) The tenant holds over after the landlord gives notice of termination at the end of
 49 the rental term and the tenant does not take any action described under subsection (a)
 50 of this Code section until after the landlord gives notice of termination.
- 51 (d) In addition to other remedies provided by law, if a landlord retaliates against a tenant
 52 under this Code section, the tenant may recover from the landlord a civil penalty of one
 53 month's rent plus \$500.00, actual damages, court costs, and reasonable attorney's fees in
 54 an action for recovery of property damages, moving costs, actual expenses, civil penalties,
 55 or declaratory or injunctive relief, less any delinquent rents or other sums for which the
 56 tenant is liable to the landlord. If the tenant's rent payment to the landlord is subsidized in
 57 whole or in part by a governmental entity, the civil penalty granted under this Code section
 58 shall reflect the fair market rent of the dwelling place plus \$500.00."

59 SECTION 2.

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