

Senate Bill 422

By: Senators Mullis of the 53rd, Dean of the 31st, Marable of the 52nd, Williams of the 6th and Cable of the 27th

AS PASSED SENATE

**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 the payment of rent to the landowner when
3 transportable housing is foreclosed upon and is not removed within a certain time by the
4 entity foreclosing on the transportable housing; to provide for the creation of a lien against
5 such transportable housing for such rent; to provide for related matters; to provide for civil
6 penalties, court costs, and attorney's fees; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
10 tenant, is amended by adding a new Code Section 44-7-60 to read as follows:

11 "44-7-60.

12 (a) In the event of the foreclosure or repossession by an entity or the issuance of a writ of
13 possession to an entity for a manufactured home, mobile home, trailer, or other type of
14 transportable housing which is placed on leased land, the entity foreclosing on or
15 repossessing the manufactured home, mobile home, trailer, or other type of transportable
16 housing or obtaining a writ of possession for such manufactured home, mobile home,
17 trailer, or other type of transportable housing shall remove the manufactured home, mobile
18 home, trailer, or other type of transportable housing from the leased land within 30 days
19 after the date of foreclosure, repossession, or obtaining a writ of possession.

20 (b) Prior to taking physical possession of or removing any such manufactured home,
21 mobile home, trailer, or other type of transportable housing, the entity foreclosing on,
22 repossessing, or obtaining a writ of possession for such manufactured home, mobile home,
23 trailer, or other type of transportable housing shall pay a maximum of two months' past due
24 rent owing for the lease of the land on which the manufactured home, mobile home, trailer,
25 or other type of transportable housing was placed. In addition, if the entity foreclosing on,
26 repossessing, or obtaining a writ of possession for such manufactured home, mobile home,

1 trailer, or other type of transportable housing fails to remove the manufactured home,
2 mobile home, trailer, or other type of transportable housing within the 30 day period
3 specified in this Code section, the entity shall be liable for rent of the property in the same
4 amount and under the same conditions as the lessee of the land.

5 (c) There shall be a lien, which shall have priority over all other liens and encumbrances
6 except for tax liens and purchase money liens, upon such manufactured home, mobile
7 home, trailer, or other type of transportable housing to the extent of the past due rent owed
8 and, if the manufactured home, mobile home, trailer, or other type of transportable housing
9 is not removed within the ten-day period specified in this Code section, for such rent as
10 accrues until the manufactured home, mobile home, trailer, or other type of transportable
11 housing is removed. It shall be the duty of the entity foreclosing on, repossessing, or
12 obtaining a writ of possession for such transportable housing to pay and satisfy any such
13 lien prior to taking physical possession of or removing such transportable housing. Taking
14 physical possession of or removing such transportable housing without first paying and
15 satisfying such lien shall subject the entity to liability for a civil penalty equal to treble the
16 rent due, court costs, and reasonable attorney's fees in addition to the rent due."

17 **SECTION 2.**

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