

Senate Bill 108

By: Senators Meyer von Bremen of the 12<sup>th</sup>, Kemp of the 3<sup>rd</sup>, Ray of the 48<sup>th</sup>, Hecht of the 34<sup>th</sup> and Brown of the 26<sup>th</sup>

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to  
2 general provisions applicable to property, so as to change the provisions relating to failure  
3 to disclose in real estate transaction that property was occupied by diseased person or was  
4 site of homicide or other felony or a suicide; to include failure to disclose that property was  
5 site of death by accidental or natural causes; to provide for failure of real estate brokers and  
6 affiliated licensees of real estate brokers to disclose in real estate transaction that property  
7 was occupied by diseased person or was site of homicide or other felony or a suicide or a  
8 death by accidental or natural causes; to provide that no cause of action shall arise against  
9 any real estate broker or affiliated licensee of the broker for revealing information in  
10 accordance with this Act; to provide that violations of this Act shall not result in certain  
11 liability against any party absent a finding of fraud on the part of such party; to provide for  
12 related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general  
16 provisions applicable to property, is amended by striking in its entirety Code Section  
17 44-1-16, relating to failure to disclose in real estate transaction that property was occupied  
18 by diseased person or was site of homicide or other felony or a suicide, and inserting in lieu  
19 thereof a new Code Section 44-1-16 to read as follows:

20 "44-1-16.

21 (a)(1) No cause of action shall arise against an owner of real property, ~~or the agent of~~  
22 ~~such owner~~ a real estate broker, or any affiliated licensee of the broker for the failure to  
23 disclose in any real estate transaction the fact or suspicion that such property:

24 (A) Is or was occupied by a person who was infected with a virus or any other disease  
25 which has been determined by medical evidence as being highly unlikely to be

1 transmitted through the occupancy of a dwelling place presently or previously occupied  
 2 by such an infected person; or

3 (B) Was the site of a homicide or other felony or a suicide or a death by accidental or  
 4 natural causes;

5 provided, however, an owner, ~~or the agent of such owner~~ real estate broker, or affiliated  
 6 licensee of the broker shall, except as provided in paragraph (2) of this subsection, answer  
 7 truthfully to the best of ~~such owner's or agent's~~ that person's individual knowledge any  
 8 question concerning the provisions of subparagraph (A) or (B) of this paragraph.

9 (2) An owner, ~~or agent of such owner~~ real estate broker, or affiliated licensee of the  
 10 broker shall not be required to answer any question if answering such question or  
 11 providing such information is prohibited by or constitutes a violation of any federal or  
 12 state law or rule or regulation, expressly including without limitation the federal Fair  
 13 Housing Act as now or hereafter amended or the state's fair housing law as set forth in  
 14 Code Sections 8-3-200 through 8-3-223.

15 (b) No cause of action shall arise against an owner of real property, ~~or the agent of such~~  
 16 ~~owner~~ real estate broker, or affiliated licensee of the broker for the failure to disclose in any  
 17 real estate transaction any information or fact which is provided or maintained or is  
 18 required to be provided or maintained in accordance with Code Section 42-9-44.1. No  
 19 cause of action shall arise against any real estate broker or affiliated licensee of the broker  
 20 for revealing information in accordance with this Code section. Violations of this Code  
 21 section shall not create liability under this Code section against any party absent a finding  
 22 of fraud on the part of such party."

## 23 SECTION 2.

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