

House Bill 762

By: Representatives Floyd of the 69<sup>th</sup>, Post 2, and Marin of the 66<sup>th</sup>

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 change certain provisions relating to removal of trade fixtures  
3 during term and when property is abandoned; to change certain provisions relating to  
4 judgment, writ of possession, landlord's liability for wrongful conduct, and distribution of  
5 funds paid into court; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and  
9 tenant, is amended by striking Code Section 44-7-12, relating to removal of trade fixtures  
10 during term and when property is abandoned, and inserting in lieu thereof the following:  
11 "44-7-12.

12 During the term of his or her tenancy or any continuation thereof or while he or she is in  
13 possession under the landlord, a tenant may remove trade fixtures erected by him or her.  
14 After the term and his or her possession are ended, any trade fixtures or other goods of the  
15 tenant remaining will be regarded as abandoned for the use of the landlord and will become  
16 the landlord's property."

17 **SECTION 2.**

18 Said chapter is further amended in Code Section 44-7-55, relating to judgment, writ of  
19 possession, landlord's liability for wrongful conduct, and distribution of funds paid into  
20 court, is amended by striking subsection (a) and inserting in lieu thereof the following:

21 "(a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered  
22 against the tenant for all rents due and for any other claim relating to the dispute. The court  
23 shall issue a writ of possession, both of execution for the judgment amount and a writ to  
24 be effective at the expiration of seven days after the date such judgment was entered,  
25 except as otherwise provided in Code Section 44-7-56. Such writ of possession shall

1 authorize the removal of the tenant's goods from the premises and the placement of the  
2 same on some other portion of the landlord's property but not on the street or sidewalk;  
3 provided, however, that the landlord shall not be a bailee of such goods and shall owe no  
4 duty to the tenant regarding such goods other than not to willfully destroy or damage such  
5 goods."

### SECTION 3.

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