

House Bill 1505

By: Representatives Smith of the 13th, Post 2, Borders of the 142nd, Greene of the 134th, and Cummings of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-7-51 of the Official Code of Georgia Annotated, relating to
2 issuance of summons in dispossessory proceedings, service, time for answer, defenses, and
3 counterclaims, so as to require the payment of a fee to accompany an answer to such a
4 summons; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 44-7-51 of the Official Code of Georgia Annotated, relating to issuance of
8 summons in dispossessory proceedings, service, time for answer, defenses, and
9 counterclaims, is amended by striking subsection (b) and inserting in lieu thereof the
10 following:

11 "(b) The summons served on the defendant pursuant to subsection (a) of this Code section
12 shall command and require the tenant to answer either orally or in writing within seven
13 days from the date of the actual service unless the seventh day is a Saturday, a Sunday, or
14 a legal holiday, in which case the answer may be made on the next day which is not a
15 Saturday, a Sunday, or a legal holiday. If the answer is oral, the substance thereof shall be
16 endorsed on the dispossessory affidavit. The answer may contain any legal or equitable
17 defense or counterclaim. The landlord need not appear on the date of the tenant's response.
18 The last possible date to answer shall be stated on the summons. No such answer of the
19 defendant, oral or written, shall be accepted by the court unless accompanied by payment
20 of a filing fee equivalent to that required of the landlord for filing the dispossessory action,
21 subject to the exception for indigence provided by paragraph (2) of subsection (e) of Code
22 Section 15-6-77."

23 style="text-align:center">**SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.