

House Bill 1556

By: Representative Scott of the 153<sup>rd</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 provide for certain definitions; to provide for the assessment of  
3 certain storage charges on certain manufactured or mobile homes by landlords; to provide  
4 for the establishment of a lien on manufactured or mobile homes for certain storage costs;  
5 to provide for certain notices; to provide for remedies; to provide for related matters; to  
6 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) As used in this Code section, the term:

13 (1) 'Manufactured home' has the same meaning as provided in paragraph (4) of Code  
14 Section 8-2-131.

15 (2) 'Mobile home' has the same meaning as provided in paragraph (6) of Code Section  
16 8-2-131.

17 (b) As provided by this Code section, any lien or charge against a manufactured or mobile  
18 home for storage upon the real property on which the manufactured or mobile home is or  
19 has been located is subordinate to the rights of a lienholder for unpaid purchase price or  
20 first lien, which is recorded on the title of the manufactured or mobile home, and the  
21 assignee of such lienholder if not recorded on the title. However, storage charges, as  
22 provided in this Code section, may be collected by the real property owner from the  
23 lienholder and the assignee of such lienholder by an action at law as authorized by this  
24 Code section. The term 'lienholder' as used in this Code section applies only to the  
25 lienholder for unpaid purchase price or first lien who has recorded said lien on the title of  
26 the manufactured or mobile home.

1 (c) The real property owner shall be entitled to collect storage charges accruing from five  
2 days after the lienholder receives written notice of either an eviction proceeding instituted  
3 by the real property owner against the homeowner or that the manufactured or mobile  
4 home is abandoned or voluntarily surrendered by the homeowner. The notice shall state  
5 that an action for eviction has been filed against the homeowner, the amount of the daily  
6 storage charges calculated pursuant to this Code section, and the date upon which the  
7 homeowner is required to make regular payments to the property owner.

8 (d) The lienholder must notify the property owner within 30 days of receipt of the notice  
9 pursuant to subsection (c) of this Code section whether it intends to make payment of the  
10 storage charges and, if the lienholder agrees to make payment, to pay the storage charges  
11 accruing to that date. Thereafter, the lienholder shall pay storage charges according to the  
12 schedule of payments that the homeowner was responsible for paying. If the lienholder  
13 fails to notify the property owner that it does not intend to pay the storage charges, the  
14 storage charges shall accrue and be due and owing to the property owner. In the event the  
15 lienholder notifies the property owner within 30 days of the receipt of the notice that it does  
16 not intend to pay the storage charges, the storage charges shall not accrue, but the  
17 lienholder shall not be entitled to any of the protections set forth in this Code section and  
18 shall be subject to any remedies available to the property owner, including retention of  
19 possession of the manufactured or mobile home and foreclosure thereon to satisfy the  
20 landlord's lien for rent.

21 (e) In the event that the lienholder files either an action for replevin of the home or  
22 forecloses on the lien for unpaid purchase price or first lien, the lienholder is responsible  
23 for storage charges accrued from 30 days after the date of filing of the action for replevin  
24 or foreclosure.

25 (f) In the event that the homeowner declares bankruptcy, the lienholder is responsible for  
26 storage charges accrued from and after five days after the final court action discharging the  
27 bankruptcy, or releasing the collateral, whichever occurs first.

28 (g) The maximum storage charge available to the real property owner is a daily rate equal  
29 to one-thirtieth of the amount of the monthly payment last paid by the homeowner, the then  
30 current lot rental amount paid by the homeowner, or if no payment has been made, the  
31 payment required pursuant to contract between the real property owner and the  
32 homeowner. The maximum daily storage charges may be increased over time in  
33 accordance with the notice requirements under applicable provisions of law.

34 (h) Notice required as set forth in subsection (c) of this Code section shall be mailed by  
35 certified mail, return receipt requested. Notice by certified mail shall be effective on the  
36 date of receipt or, if refused, on the date of refusal. All other notices may be by regular

1 mail, and shall, for purposes of calculation of time, be considered delivered five days after  
2 the date postmarked.

3 (i) For any lien for unpaid purchase price or first lien recorded after July 1, 2006, the  
4 lienholder shall notify the property owner of the lien against the manufactured or mobile  
5 home and the address of the lienholder.

6 (j) It shall be unlawful for the property owner to refuse to allow the lienholder to repossess  
7 and move the manufactured or mobile home for failure to pay any charges which were not  
8 noticed in accordance with the requirements of this Code section. In the event that the real  
9 property owner refuses to allow the lienholder to repossess and move the manufactured or  
10 mobile home, then the real property owner shall be liable to the lienholder for each day that  
11 the real property owner unlawfully maintains possession of the home, at a daily rate equal  
12 to one-thirtieth of the monthly payment last paid by the homeowner to the real property  
13 owner, or, if no payment has been made, the payment required pursuant to contract  
14 between the real property owner and the homeowner."

15 **SECTION 2.**

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