

House Bill 1273 (AM)

By: Representatives O`Neal of the 146th, Talton of the 145th, and Morris of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to security deposits, so as to change certain provisions regarding placement of
3 security deposits in escrow accounts; to amend Article 3 of Chapter 7 of Title 44 of the
4 Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to provide
5 that a landlord may initiate dispossessory proceedings immediately after refusal by tenant of
6 demand for possession; to provide that a service by posting the summons to the premises and
7 mailing a copy to the defendant shall be sufficient for entry of a default judgment for
8 possession in the absence of an answer being filed; to provide for the payment of certain
9 sums into the registry of the court; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Article 2 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
13 security deposits, is amended by striking Code Section 44-7-31, relating to placement of
14 security deposits in escrow accounts, and inserting in its place a new Code Section 44-7-31
15 to read as follows:

16 "44-7-31.

17 Except as provided in Code Section 44-7-32, whenever a security deposit is held by a
18 landlord or ~~his~~ such landlord's agent on behalf of a tenant, such security deposit shall be
19 deposited in an escrow account established only for that purpose in any bank or lending
20 institution subject to regulation by this state or any agency of the United States
21 government. The security deposit shall be held in trust for the tenant by the landlord or ~~his~~
22 such landlord's agent except as provided in Code Section 44-7-34. Tenants shall be
23 informed in writing of the location ~~and account number~~ of the escrow account required by
24 this Code section."

1 Any judgment by the trial court shall be appealable pursuant to Chapters 2, 3, 6, and 7 of
2 Title 5, provided that any such appeal shall be filed within seven days of the date such
3 judgment was entered and provided, further, that, after the notice of appeal is filed with the
4 clerk of the trial court, the clerk shall immediately notify the trial judge of the notice of
5 appeal and the trial judge may, within 15 days, supplement the record with findings of fact
6 and conclusions of law which will be considered as a part of the order of the judge in that
7 case. If the judgment of the trial court is against the tenant and the tenant appeals this
8 judgment, ~~the court may upon motion of the landlord and upon good cause shown order the~~
9 tenant shall be required to pay into the registry of the court all sums found by the trial court
10 to be due for rent in order to remain in possession of the premises. The tenant shall also
11 be required to pay all future rent as it becomes due into the registry of the trial court
12 pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54 until the issue has been
13 finally determined on appeal."

14

SECTION 2.

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