

The House Committee on Judiciary offers the following substitute to SB 94:

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 define a term; to clarify the process for judgments by default;  
3 to change and provide for definitions; to provide for related matters; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and  
8 tenant, is revised by adding a new Code section to read as follows:

9 "44-7-49.

10 As used in this article, the term 'writ of possession' means a writ issued to recover the  
11 possession of land or other property and such writ shall not contain restrictions,  
12 responsibilities, or conditions upon the landlord in order to be placed in full possession of  
13 the land or other property."

14 **SECTION 2.**

15 Said chapter is further amended by revising subsection (a) of Code Section 44-7-53, relating  
16 to when writ of possession is issued, trial of issues, and possession pending trial as follows:

17 "(a) If the tenant fails to answer as provided in subsection (b) of Code Section 44-7-51, the  
18 court shall issue a writ of possession instanter notwithstanding Code Section 9-11-55 or  
19 Code Section 9-11-62; and, The court, without the intervention of a jury, shall not require  
20 any further evidence nor hold any hearings and the plaintiff shall be entitled to a verdict  
21 and judgment by default for all rents due; ~~in open court or in chambers~~; as if every item and  
22 paragraph of the affidavit provided for in Code Section 44-7-50 were supported by proper  
23 evidence; ~~without the intervention of a jury.~~"

**SECTION 3.**

Said chapter is further amended by revising Code Section 44-7-30, relating to definitions, as follows:

"44-7-30.

As used in this article, the term:

(1) 'Nonrefundable fee' means any money or other consideration paid or given by a tenant to a landlord under the terms of a residential rental agreement which the parties agreed would not be refunded.

~~(1)(2)~~ 'Residential rental agreement' means a contract, lease, or license agreement for the rental or use of real property as a dwelling place.

~~(2)(3)~~ 'Security deposit' means money or any other form of security given after July 1, 1976, by a tenant to a landlord which shall be held by the landlord on behalf of a tenant by virtue of a residential rental agreement and shall include, but not be limited to, damage deposits, advance rent deposits, and pet deposits. ~~The term 'security deposit' does not include earnest money or pet fees~~ Such term shall not include nonrefundable fees, or money or other consideration which are not to be returned to the tenant under the terms of the residential rental agreement or which were to be applied toward the payment of rent or reimbursement of services or utilities provided to the tenant."

**SECTION 4.**

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