

House Bill 823

By: Representative Smith of the 113<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 44-7-2 of the Official Code of Georgia Annotated, relating to parol  
2 contracts creating a landlord and tenant relationship, certain provisions prohibited, and the  
3 effect of a provision for attorney's fees in a landlord and tenant agreement, so as to clarify  
4 that certain provisions relating to promissory notes or notes of obligation shall not apply to  
5 lease agreements; to provide for related matters; to provide an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 44-7-2 of the Official Code of Georgia Annotated, relating to parol contracts  
10 creating a landlord and tenant relationship, certain provisions prohibited, and the effect of  
11 a provision for attorney's fees in a landlord and tenant agreement, is amended by revising  
12 subsection (c) as follows:

13 "(c) A provision for the payment by the tenant of the attorney's fees of the landlord upon  
14 the breach of a rental agreement by the tenant, which provision is contained in a contract,  
15 lease, license agreement, or similar agreement, oral or written, for the use or rental of real  
16 property as a dwelling place shall be void unless the provision also provides for the  
17 payment by the landlord of the attorney's fees of the tenant upon the breach of the rental  
18 agreement by the landlord. The provisions of Code Section 13-1-11, relating to the  
19 enforcement of obligations to pay attorney's fees, shall not apply to a contract creating a  
20 landlord and tenant relationship."

21 **SECTION 2.**

22 This Act shall become effective upon its approval by the Governor or upon its becoming law  
23 without such approval.

24

**SECTION 3.**

25 All laws and parts of laws in conflict with this Act are repealed.