

House Bill 379

By: Representatives Scott of the 76th, Jordan of the 77th, Beasley-Teague of the 65th, and Brooks of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to dispossessory proceedings relative to landlords and tenants, so as to provide for
3 the storage of a tenant's personal property for two weeks after the execution of a writ of
4 possession; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
8 dispossessory proceedings relative to landlords and tenants, is amended by revising
9 subsection (c) of Code Section 44-7-55, relating to the issuance of a writ of possession and
10 removal of tenant property, to read as follows:

11 "(c) Any writ of possession issued pursuant to this article shall authorize the removal of
12 the tenant or his or her personal property or both from the premises and permit the
13 placement of such personal property on some portion of the landlord's property or on other
14 property as may be designated by the landlord and as may be approved by the executing
15 officer; provided, however, that the landlord shall not be a bailee of such personal property
16 and shall owe no duty to the tenant regarding such personal property. After execution of
17 the writ, such property shall be regarded as abandoned. The person removing any personal
18 property from the premises shall provide for storage of such items with a convenience
19 warehouse, as provided for under Article 4 of Chapter 4 of Title 10. Upon removal of the
20 personal property from the premises a receipt shall be executed containing a description
21 of the personal property removed or of the packages containing them and the location and
22 contact information of the convenience warehouse where the personal property is to be
23 stored. Copies of such receipt shall be filed with the court that issued the judgment and
24 mailed to both parties at their last known addresses. The personal property shall be stored
25 for no more than two weeks and the landlord shall pay the costs associated with removing
26 and storing the property. The landlord shall be entitled to reimbursement by the tenant for

27 any costs and fees incurred under this subsection. The landlord shall have a lien on the
28 personal property held in storage and, upon the expiration of two weeks, shall be entitled
29 to satisfy such lien through the sale or disposition of the personal property."

30

SECTION 2.

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