

House Bill 381

By: Representatives Corbett of the 174th, Ealum of the 153rd, LaRiccia of the 169th, Shaw of the 176th, and Watson of the 172nd

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 enact a new article to provide for the classification of abandoned
3 mobile homes as derelict or intact for purposes of disposal or creation of liens; to provide for
4 a short title; to provide for legislative intent; to provide for definitions; to provide for
5 procedure for requesting classification of an abandoned mobile home as intact or derelict;
6 to provide for notice; to provide for creation of a lien on abandoned mobile homes deemed
7 to be intact; to provide the opportunity for a hearing to confirm classification as a derelict
8 abandoned mobile home; to provide for court authority to order the disposal of abandoned
9 mobile homes found to be derelict; to provide for the voluntary discharge of a tax lien upon
10 a derelict mobile home by the state or a local governing authority; to provide for related
11 matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
15 tenant, is amended by adding a new article to read as follows:

16 style="text-align:center">"ARTICLE 6

17 44-7-110.

18 This article shall be known and may be cited as the 'Abandoned Mobile Home Act.'

19 44-7-111.

20 The General Assembly finds that abandoned mobile homes are a nuisance that cause blight
21 and depress property values. This article is intended to provide counties and municipalities
22 with the authority to appoint an agent to determine the condition of mobile homes in order
23 for landowners to remove or restore abandoned mobile homes left on their property. It is

24 the further purpose of this article to provide landowners with the guidance necessary to
25 efficiently and properly identify and dispose of abandoned mobile homes in this state while
26 protecting the rights of any owner, lienholder, or other interested parties by performing a
27 due diligent search, notification, and hearing process.

28 44-7-112.

29 As used in this article, the term:

30 (1) 'Abandoned mobile home' means a mobile home that has been left vacant by all
31 tenants for at least 90 days without notice to the landowner and upon which there is
32 evidence of:

33 (A) Failure to pay rent or fees for 90 days;

34 (B) Removal of most or all personal belongings;

35 (C) Cancellation of insurance;

36 (D) Termination of utility services; or

37 (E) A risk to public health, safety, welfare, or the environment.

38 (2) 'Derelict' means an abandoned mobile home which is in need of extensive repair so
39 as to make such structure uninhabitable and unsafe due to the presence of one or more of
40 the following conditions:

41 (A) Inadequate provisions for ventilation, light, air, or sanitation;

42 (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other
43 natural catastrophe; or

44 (C) Violations of state, county, or municipal building codes.

45 (3) 'Dispose' means to destroy, recycle, or repurpose for use not as living quarters.

46 (4) 'Intact' means an abandoned mobile home which is in livable condition under the
47 building and health codes of a local governing authority.

48 (5) 'Landowner' means the owner of real property upon which a mobile home is located.

49 (6) 'Local government agent' means a person appointed by a local governing authority
50 to inspect an abandoned mobile home. Nothing in this article shall be construed to
51 require a local governing authority to appoint a local government agent.

52 (7) 'Mobile home' means a manufactured home or a mobile home as such terms are
53 defined in Code Section 8-2-160.

54 (8) 'Responsible party' means any person with an ownership interest in an abandoned
55 mobile home as identified by a search of deeds or instruments of title, including any
56 holder of a recorded lien or the holder of any type of secured interest in the mobile home.

57 44-7-113.

58 (a) At the request of a landowner upon which an abandoned mobile home is located, a
59 local government agent shall be authorized to assess the condition of such mobile home.
60 Upon inspection, the local government agent shall classify an abandoned mobile home as
61 either intact or derelict and provide documentation citing such determination to the
62 requesting landowner within 20 days of such request.

63 (b) If a local government agent determines an abandoned mobile home to be derelict, such
64 agent shall post notice of such determination in a conspicuous location on the abandoned
65 mobile home. Such notice shall be in substantially the following form:

66 'You are hereby notified that this mobile home (describe make, model, and color, if
67 known) located at (address or description of location) has been deemed abandoned and
68 derelict. You are entitled to a hearing in magistrate court to contest this determination.
69 If you fail to request a hearing within 30 days or if it is confirmed by a court that this
70 abandoned mobile home is derelict, the owner of the land upon which this mobile home
71 sits shall be entitled to dispose of the mobile home.'

72 (c) If a local government agent determines an abandoned mobile home to be intact, a
73 landowner shall have a lien on the abandoned mobile home in the amount of any unpaid
74 rent and fees plus the reasonable cost of removal and storage of the mobile home.

75 (d) Upon receipt of a determination that an abandoned mobile home is derelict as provided
76 for in subsection (a) of this Code section, a landowner shall send notice to all responsible
77 parties by registered or certified mail or statutory overnight delivery. Such notice shall
78 contain a description of the abandoned mobile home, including the make of the mobile
79 home, the location of such mobile home, and the fact that such mobile home has been
80 deemed abandoned and derelict. Such notice shall further include a statement that such
81 responsible party is entitled to request a hearing in magistrate court within 30 days to
82 contest the determination that such mobile home is abandoned and derelict and that failure
83 to request such hearing within 30 days of receipt of such notice shall entitle such landowner
84 to dispose of the abandoned mobile home.

85 44-7-114.

86 (a) Within 30 days of receipt of notice that an abandoned mobile home has been
87 determined to be derelict, a responsible party may petition a magistrate court to hold a
88 hearing to confirm or deny such decision of a local government agent. If a petition is filed
89 pursuant to this Code section, a hearing on such issue shall be held within ten days.

90 (b) The court shall hear evidence of the condition of the abandoned mobile home, which
91 may include introduction of a copy of the determination from the local government agent,
92 and whether the notice provisions of this article have been met.

93 (c) If, after a full hearing, the court determines the abandoned mobile home to be derelict,
94 or if no responsible party requests a hearing as afforded by this Code section, the court
95 shall issue an order finding the mobile home to be derelict and, upon receipt by the court
96 of a discharge of all outstanding tax liens held by the state or any local governing authority,
97 authorizing the landowner to dispose of the abandoned mobile home. A landowner issued
98 such order shall dispose of the abandoned mobile home within 180 days."

99

SECTION 2.

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