

House Bill 433

By: Representatives Hilton of the 95<sup>th</sup>, Willard of the 51<sup>st</sup>, and Welch of the 110<sup>th</sup>

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, so as to provide for expiry dates for writs of  
3 possession after issuance; to provide for related matters; to repeal conflicting laws; and for  
4 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, is amended by revising subsection (a) of Code Section 44-7-53,  
9 relating to when writ of possession issued, trial of issues, and possession pending trial, as  
10 follows:

11 "(a) If the tenant fails to answer as provided in subsection (b) of Code Section 44-7-51, the  
12 court shall issue a writ of possession instanter notwithstanding Code Section 9-11-55 or  
13 Code Section 9-11-62 and such writ shall be effective for the period of 30 days after  
14 issuance. The court, without the intervention of a jury, shall not require any further  
15 evidence nor hold any hearings and the plaintiff shall be entitled to a verdict and judgment  
16 by default for all rents due as if every item and paragraph of the affidavit provided for in  
17 Code Section 44-7-50 were supported by proper evidence."

18 **SECTION 2.**

19 Said article is further amended by revising subsection (b) of Code Section 44-7-54, relating  
20 to payment of rent and utility payments into court, issuance of writ upon failure to pay, and  
21 disposition of funds, as follows:

22 "(b) If the tenant should fail to make any payment as it becomes due pursuant to  
23 paragraph (1) or (2) of subsection (a) of this Code section, the court shall issue a writ of  
24 possession that shall be effective for the period of 30 days after issuance and the landlord

25 shall be placed in full possession of the premises by the sheriff, the deputy, or the constable  
 26 upon the execution of the writ."

27 **SECTION 3.**

28 Said article is further amended by revising subsection (a) of Code Section 44-7-55, relating  
 29 to judgment, writ of possession, landlord's liability for wrongful conduct, distribution of  
 30 funds paid into court, and personal property, as follows:

31 "(a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered  
 32 against the tenant for all rents due and for any other claim relating to the dispute. The court  
 33 shall issue a writ of possession, both of execution for the judgment amount and a writ to  
 34 be effective at the expiration of seven days after the date such judgment was entered and  
 35 for a period of 30 days thereafter, except as otherwise provided in Code Section 44-7-56."

36 **SECTION 4.**

37 Said article is further amended by revising Code Section 44-7-56, relating to appeal and  
 38 possession and payment of rent pending appeal, as follows:

39 "44-7-56.

40 (a) Any judgment by the trial court shall be appealable pursuant to Chapters 2, 3, 6, and  
 41 7 of Title 5, provided that any such appeal shall be filed within seven days of the date such  
 42 judgment was entered and provided, further, that, after the notice of appeal is filed with the  
 43 clerk of the trial court, the clerk shall immediately notify the trial judge of the notice of  
 44 appeal and the trial judge may, within 15 days, supplement the record with findings of fact  
 45 and conclusions of law which will be considered as a part of the order of the judge in that  
 46 case. If the judgment of the trial court is against the tenant and the tenant appeals this  
 47 judgment, the tenant shall be required to pay into the registry of the court all sums found  
 48 by the trial court to be due for rent in order to remain in possession of the premises. The  
 49 tenant shall also be required to pay all future rent as it becomes due into the registry of the  
 50 trial court pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54 until the  
 51 issue has been finally determined on appeal.

52 (b) Upon the issue being finally determined on appeal as provided for by this Code section,  
 53 any writ of possession which issues, or has been issued, shall be effective for the period of  
 54 30 days after the date upon which the issue has been finally determined."

55 **SECTION 5.**

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