

House Bill 745

By: Representatives Holcomb of the 81st, Ballinger of the 23rd, Oliver of the 82nd, Smith of the 134th, Kelley of the 16th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to general provisions concerning landlord and tenant, so as to provide for the
3 termination of a residential rental agreement under circumstances involving family violence;
4 to provide for definitions; to provide for notice and terms of termination; to provide for
5 applicability; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
10 general provisions concerning landlord and tenant, is amended by adding a new Code section
11 to read as follows:

12 "44-7-23.

13 (a) As used in this Code section, the term:

14 (1) 'Civil family violence order' means any temporary protective order or permanent
15 protective order issued pursuant to Article 1 of Chapter 13 of Title 19.

16 (2) 'Criminal family violence order' means:

17 (A) Any order of pretrial release issued as a result of an arrest for an act of family
18 violence; or

19 (B) Any order for probation issued as a result of a conviction or plea of guilty, nolo
20 contendere, or first offender to an act of family violence.

21 (3) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1.

22 (b) A tenant may terminate his or her rental or lease agreement for real estate effective 30
23 days after providing the landlord with a written notice of termination when a civil family
24 violence order or criminal family violence order has been issued:

25 (1) Protecting such tenant; or

26 (2) Protecting such tenant when he or she is a joint tenant, even when such protected
27 tenant had no obligation to pay rent to the landlord.
28 (c) The notice to the landlord pursuant to subsection (b) of this Code section shall be
29 accompanied by a copy of the applicable civil family violence order or criminal family
30 violence order.
31 (d) Upon termination of a rental or lease agreement under this Code section, the tenant
32 may occupy the real estate until the termination is effective. Such tenant shall be liable for
33 the rent due under such agreement prorated to the effective date of the termination, payable
34 at such time as would have otherwise been required by the terms of such agreement, and
35 for any delinquent or unpaid rent or other sums owed to the landlord prior to the
36 termination of such agreement. The tenant shall not be liable for any other fees, rent, or
37 damages due to the early termination of the tenancy as provided for in this Code section.
38 Notwithstanding any provision of law to the contrary, if a tenant terminates a rental or lease
39 agreement pursuant to this Code section 14 or more days prior to occupancy, no damages
40 or penalties of any kind will be assessable.
41 (e) This Code section shall apply to all real estate rental or lease agreements entered into
42 on or after July 1, 2018, and to any renewals, modifications, or extensions of such
43 agreements in effect on such date. This Code section shall not be waived or modified by
44 the agreement of the parties under any circumstances."

45 **SECTION 2.**

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