

Senate Bill 75

By: Senators Jackson of the 41st, Strickland of the 17th, Parent of the 42nd, Kirkpatrick of the 32nd, Merritt of the 9th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-7-23 of the Official Code of Georgia Annotated, relating to
2 termination of residential lease after issuance of civil family violence order or criminal
3 family violence order, notice, and occupancy, so as to provide for lease terminations for
4 victims of stalking; to provide for a definition; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-7-23 of the Official Code of Georgia Annotated, relating to termination of
9 residential lease after issuance of civil family violence order or criminal family violence
10 order, notice, and occupancy, is amended as follows:

11 "44-7-23.

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

13 (1) 'Civil family violence order' means:

14 (A) Any protective order issued pursuant to Article 1 of Chapter 13 of Title 19,
15 provided that the respondent was present or had notice of the hearing that resulted in
16 the issuance of such order; or

17 (B) Any ex parte temporary protective order issued pursuant to Article 1 of Chapter 13
18 of Title 19, provided that it is accompanied by a police report showing a basis for such
19 order.

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

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

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

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

26 (4) 'Stalking' shall have the same meaning as set forth in Code Section 16-5-90.

27 (b) A tenant may terminate his or her residential rental or lease agreement for real estate
28 effective 30 days after providing the landlord with a written notice of termination when
29 such tenant is a documented victim of stalking or a civil family violence order or criminal
30 family violence order has been issued:

31 (1) Protecting such tenant or his or her minor child; or

32 (2) Protecting such tenant when he or she is a joint tenant, or his or her minor child, even
33 when such protected tenant had no obligation to pay rent to the landlord.

34 (c) The notice to the landlord pursuant to subsection (b) of this Code section shall be
35 accompanied by a copy of the applicable civil family violence order or criminal family
36 violence order and a copy of the police report if such order was an ex parte temporary
37 protective order.

38 (d) Upon termination of a residential rental or lease agreement under this Code section, the
39 tenant may occupy the real estate until the termination is effective. Such tenant shall be
40 liable for the rent due under such agreement prorated to the effective date of the
41 termination, payable at such time as would have otherwise been required by the terms of
42 such agreement, and for any delinquent or unpaid rent or other sums owed to the landlord
43 prior to the termination of such agreement. The tenant shall not be liable for any other fees,

44 rent, or damages due to the early termination of the tenancy as provided for in this Code
45 section. Notwithstanding any provision of law to the contrary, if a tenant terminates a
46 residential rental or lease agreement pursuant to this Code section 14 or more days prior
47 to occupancy, no damages or penalties of any kind will be assessable.

48 (e) This Code section shall apply to all residential real estate rental or lease agreements
49 entered into on or after July 1, 2018, and to any renewals, modifications, or extensions of
50 such agreements in effect on such date. This Code section shall not be waived or modified
51 by the agreement of the parties under any circumstances."

52 **SECTION 2.**

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