

The Senate Committee on Judiciary offered the following substitute to SB 75:

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 regarding landlord and tenant, so as to provide for lease
3 terminations for persons protected by civil stalking orders and criminal stalking orders; to
4 provide for definitions; to provide for related matters; to provide for applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding landlord and tenant, is amended by revising Code Section
10 44-7-23, relating to termination of residential lease after issuance of civil family violence
11 order or criminal family violence order, notice, and occupancy, as follows:

12 "44-7-23.

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

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

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

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

21 (2) 'Civil stalking order' means:

22 (A) Any protective order issued pursuant to Code Section 16-5-94, provided that the
23 respondent was present or had notice of the hearing that resulted in the issuance of such
24 order; or

25 (B) Any ex parte temporary protective order issued pursuant to Code Section 16-5-94,
26 provided that such order is accompanied by a police report showing a basis for such
27 order.

28 (3) 'Criminal family violence order' means:

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

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

33 (4) 'Criminal stalking order' means:

34 (A) Any order of pretrial release issued as a result of an arrest for an act of stalking
35 under Article 7 of Chapter 5 of Title 16; or

36 (B) Any order for probation issued as a result of a conviction or plea of guilty, nolo
37 contendere, or first offender to an act of stalking under Article 7 of Chapter 5 of
38 Title 16.

39 (b) A tenant may terminate his or her residential rental or lease agreement for real estate
40 effective 30 days after providing the landlord with a written notice of termination when a

41 civil family violence order, civil stalking order, ~~or~~ criminal family violence order, or
42 criminal stalking order has been issued:

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

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

46 (c) The notice to the landlord pursuant to subsection (b) of this Code section shall be
47 accompanied by a copy of the applicable civil family violence order, civil stalking order,
48 ~~or~~ criminal family violence order, or criminal stalking order and a copy of the police report
49 if such order was an ex parte temporary protective order.

50 (d) Upon termination of a residential rental or lease agreement under this Code section, the
51 tenant may occupy the real estate until the termination is effective. Such tenant shall be
52 liable for the rent due under such agreement prorated to the effective date of the
53 termination, payable at such time as would have otherwise been required by the terms of
54 such agreement, and for any delinquent or unpaid rent or other sums owed to the landlord
55 prior to the termination of such agreement. The tenant shall not be liable for any other fees,
56 rent, or damages due to the early termination of the tenancy as provided for in this Code
57 section. Notwithstanding any provision of law to the contrary, if a tenant terminates a
58 residential rental or lease agreement pursuant to this Code section 14 or more days prior
59 to occupancy, no damages or penalties of any kind will be assessable.

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

64

SECTION 2.

65 This Act shall apply to all residential real estate rental or lease agreements entered into on
66 or after July 1, 2021, and to any renewals, modifications, or extensions of such agreements
67 entered into on or after such date.

68

SECTION 3.

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