

Senate Bill 251

By: Senators Jackson of the 41st and Goodman of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to encourage
3 transparency and fairness with respect to rent pricing for residential properties; to prohibit
4 landlords from failing to disclose the total rental price of any residential property and
5 charging deceptive fees for any residential property; to provide for definitions; to provide for
6 statutory construction; to provide for related matters; to provide for an effective date and
7 applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
11 relating to the "Fair Business Practices Act of 1975," is amended in subsection (b) of Code
12 Section 10-1-393, relating to unfair or deceptive practices in consumer transactions unlawful
13 and examples, by striking "and" at the end of paragraph (34), replacing the period at the end
14 of paragraph (35) with "; and", and adding a new paragraph to read as follows:

15 "(36) Failure to comply with the provisions of Code Section 10-1-393.20 regarding rent
16 pricing for residential properties."

43 (7) 'Rental agreement' means any lease, rental, or other written agreement entered into
44 by a landlord and a consumer in order to rent any residential property.

45 (8) 'Rental price' means any pricing information relating to an amount a consumer must
46 pay in order to rent any residential property.

47 (9) 'Residential property' means any building, structure, or portion thereof which is
48 occupied as, or designed or intended for occupancy as, a residence. Such term includes
49 hotels, inns, vacation rentals, or other short-term rental properties.

50 (10) 'Total rental price' means the total of all fees or charges a consumer must pay in
51 order to rent any residential property, including, but not limited to, any mandatory fees
52 or governmental fees.

53 (b) Without otherwise limiting the definition of unfair or deceptive acts or practices under
54 this part, it shall be unlawful for any landlord to:

55 (1) Offer, display, or advertise any rental price of any residential property without clearly
56 and conspicuously disclosing the total rental price;

57 (2) Enter into any rental agreement with, or accept payment from, a consumer before
58 disclosing clearly and conspicuously to such consumer the total rental price for such
59 residential property; or

60 (3) Charge or otherwise impose on a consumer any deceptive fee in connection with
61 renting any residential property.

62 (c) Nothing in this Code section shall be construed to prohibit any landlord from pursuing
63 remedies for any default under, early termination of, or other violation of a rental
64 agreement; provided, however, that such remedies are expressly provided for in the rental
65 agreement and any damages provided for are not excessive."

66 **SECTION 3.**

67 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
68 law without such approval.

69 (b) This Act shall apply to all rental agreements entered into on or after the effective date
70 of this Act, and to any renewal, modification, or extension of such agreements entered into
71 on or after such effective date.

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SECTION 4.

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