

Senate Bill 413

By: Senators Jackson of the 41st, Jones II of the 22nd, Parent of the 44th, Orrock of the 36th, James of the 28th 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 regarding landlord and tenant, so as to provide for residential  
3 rental or lease agreement terminations if a tenant or a legal occupant of a residence  
4 experienced residential firearm violence or reasonably fears such tenant or a legal occupant  
5 would experience such violence at such residence; to provide for definitions; to provide for  
6 written notice; to provide for procedures; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

15 "44-7-23.

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

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

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

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

24 (2) 'Civil stalking order' means:

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

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

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

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

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

36 (4) 'Criminal stalking order' means:

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

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

42 (5) 'Qualified third party' means any law enforcement officer; court employee; physician,  
43 psychiatrist, psychologist, social worker, registered nurse, therapist, mental health

44 therapist, community health worker, or clinical professional counselor; person employed  
 45 by a governmental entity or nonprofit agency or service that advises or provides services  
 46 to persons regarding violence; or any member of the clergy of a church or religious  
 47 society or denomination.

48 (6) 'Residence' means a dwelling place that is the subject of a residential rental or lease  
 49 agreement for real estate to which the tenant is a party.

50 (7) 'Residential firearm violence' means the occurrence of one or more of the following  
 51 acts against a tenant or legal occupant of a residence at or in the immediate vicinity of  
 52 such residence:

53 (A) Any felony committed with a firearm;

54 (B) Any misdemeanor committed with a firearm;

55 (C) Any action using a firearm that creates a serious risk of injury; or

56 (D) Any action using a firearm that results in injury.

57 (8) 'Victim services provider' means any city or state contracted entity or any licensed  
 58 physician or registered nurse who has provided victim services to a tenant or legal  
 59 occupant of a residence.

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

62 (1) That the tenant or legal occupant of the residence has been a victim of residential  
 63 firearm violence; or

64 (2) When when a civil family violence order, civil stalking order, criminal family  
 65 violence order, or criminal stalking order has been issued:

66 ~~(1)~~(A) Protecting such tenant or his or her minor child; or

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

69 (c) ~~The~~ With the notice to the landlord pursuant to subsection (b) of this Code section,  
70 shall be accompanied by the tenant or legal occupant of the residence shall provide the  
71 landlord with one of the following:

72 (1) For notice made pursuant to paragraph (1) of subsection (b) of this Code section,  
73 documentation demonstrating that the tenant or legal occupant of the residence has been  
74 a victim of residential firearm violence. Such documentation may include:

75 (A) A document provided by a victim services provider verifying the tenant or legal  
76 occupant of the residence has experienced residential firearm violence;

77 (B) A record from a federal, state, or local law enforcement agency verifying an act of  
78 residential firearm violence occurred;

79 (C) A record from a healthcare provider for treatment related to residential firearm  
80 violence against the tenant or legal occupant of the residence; or

81 (D) A sworn affidavit from a qualified third party stating the tenant or legal occupant  
82 has experienced residential firearm violence; or

83 (2) For notice made pursuant to paragraph (2) of subsection (b) of this Code section, a  
84 copy of the applicable civil family violence order, civil stalking order, criminal family  
85 violence order, or criminal stalking order and a copy of the police report if such order was  
86 an ex parte temporary protective order.

87 (d) A landlord shall provide a tenant written notice of termination specifying the cause for  
88 the termination and the effective date of such termination at least 72 hours prior to the  
89 termination effective date.

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

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

100 ~~(e)~~(f) This Code section shall not be waived or modified by the agreement of the parties  
101 under any circumstances."

102

**SECTION 2.**

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