The House Committee on Judiciary offers the following substitute to HB 404:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and tenant, so as to provide for a duty of habitability for certain rental agreements; to provide for notice; to provide for a maximum security deposit amount; to provide for a short title; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Safe at Home Act."

SECTION 2.

Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and tenant, is amended by revising Code Section 44-7-13, relating to landlord's duties as to repairs and improvements, as follows:

"44-7-13.

(a) The landlord ~~must~~ shall keep the premises in repair~~. He~~ and shall be liable for all substantial improvements placed upon the premises by ~~his~~ such landlord's consent.

(b) Any contract, lease, license, or similar agreement, oral or written, for the use or rental of real property as a dwelling place is deemed to include a provision that the premises is fit for human habitation.″

SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 44-7-14.1, relating to landlord's duties as to utilities, as follows:

″(a) As used in this Code section, the term 'utilities' means cooling, heat, light, and water service.″

SECTION 4.

Said chapter is further amended by adding a new Code section to as follows:

″44-7-30.1.

No landlord shall demand or receive a security deposit in an amount that exceeds the equivalent of two months' rent.″

SECTION 5.

Said chapter is further amended by revising Code Section 44-7-50, relating to demand for possession, procedure upon a tenant's refusal, and concurrent issuance of federal lease termination notice, as follows:

″44-7-50.

(a) In all cases when a tenant holds possession of lands or tenements over and beyond the term for which they were rented or leased to such tenant ~~or fails to pay the rent when it becomes due~~ and in all cases when lands or tenements are held and occupied by any tenant at will or sufferance, whether under contract of rent or not, when the owner of such lands or tenements desires possession of such lands or tenements, such owner may, individually or by an agent, attorney ~~in fact~~ at law, or attorney ~~at law~~ in fact, demand the possession of

the property so rented, leased, held, or occupied. If the tenant refuses or fails to deliver possession when so demanded, the owner or the agent, attorney at law, or attorney in fact of such owner may immediately go before the judge of the superior court, the judge of the state court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk of any other court with jurisdiction over the subject matter, or a magistrate in the district where the land lies and make an affidavit under oath to the facts. ~~The~~ Such affidavit may likewise be made before a notary public.

(b) If issued by a public housing authority, the demand for possession required by subsection (a) or (c) of this Code section may be provided concurrently with the federally required notice of lease termination in a separate writing.

(c) In all cases when a tenant fails to pay the rent, late fees, utilities, or other charges owed to the landlord when it becomes due, if the tenant refuses to pay the amount due or fails to deliver possession when so demanded after being provided with a notice to vacate or pay all past due rent, late fees, utilities, and other charges owed to the landlord within three business days, the owner or the agent, attorney at law, or attorney in fact of such owner may immediately go before the judge of the superior court, the judge of the state court, or the clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk of any other court with jurisdiction over the subject matter, or a magistrate in the district where the land lies and make an affidavit under oath to the facts. Such affidavit may likewise be made before a notary public.

(d) The demand for possession notice under subsection (a) of this Code section or the three-day notice to vacate or pay under subsection (c) of this Code section shall be posted in a sealed envelope conspicuously on the door of the property and delivered via any additional method or methods agreed upon in the rental agreement."

SECTION 6.

This Act shall apply to residential lease agreements that are entered into or renewed on or after July 1, 2023.

SECTION 7.

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