

House Bill 270

By: Representatives Reeves of the 99<sup>th</sup>, Leverett of the 123<sup>rd</sup>, Camp of the 135<sup>th</sup>, Silcox of the 53<sup>rd</sup>, Jenkins of the 136<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated,  
2 relating to continuances, so as to provide for the continuance and stay of proceedings related  
3 to eviction of tenants at certain airports; to provide for a definition; to amend Code  
4 Section 44-7-51 of the Official Code of Georgia Annotated, relating to issuance of summons,  
5 service, time for answer, and defenses and counterclaims, so as to provide for service by an  
6 approved process server; to provide for related matters; to provide a short title; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Eviction Service and Airplane Evictions  
11 Act."

12 **SECTION 2.**

13 Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to  
14 continuances, is amended by adding a new Code section to read as follows:

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15 "9-10-170.

16 (a) As used in this Code section, the term 'airport' means the real and personal property  
17 constituting a publicly funded airport and the management, operation, or control of an  
18 airport as a complete entity or unit.

19 (b)(1)(A) A tenant of an airport involved in a dispossessory proceeding for any reason,  
20 except for nonpayment of rent, pursuant to Article 3 of Chapter 7 of Title 44 that leases  
21 space from an airport shall, upon the filing of a complaint under 14 C.F.R. Part 13 or  
22 Part 16, be granted a continuance and stay of such proceeding until 30 days after the  
23 resolution of such complaint.

24 (B) Any tenant granted a continuance and stay pursuant to this Code section shall  
25 continue to pay rent to the landlord during such continuance and stay; provided,  
26 however, that the landlord's acceptance of such rent shall not waive such landlord's  
27 rights under Article 3 of Chapter 7 of Title 44 or otherwise.

28 (2) A continuance and stay granted pursuant to this Code section shall apply to all  
29 aspects of the case, including, but not limited to, the filing and serving of an answer to  
30 a complaint; the making of any discovery or motion; any response to any subpoena,  
31 discovery, or motion; and appearance at any hearing, trial, or argument.

32 (3) Notwithstanding any other provision of law, rule of court, or administrative rule or  
33 regulation, the time for doing any act in the case which is delayed by the continuance and  
34 stay provided by this Code section shall be automatically extended by the same length of  
35 time as the continuance or stay covered."

36 **SECTION 3.**

37 Code Section 44-7-51 of the Official Code of Georgia Annotated, relating to issuance of  
38 summons, service, time for answer, and defenses and counterclaims, is amended by revising  
39 subsection (a) as follows:

40 "(a) When the affidavit provided for in Code Section 44-7-50 is made, the judge of the  
41 superior court, the state court, or any other court with jurisdiction over the subject matter  
42 or the judge, clerk, or deputy clerk of the magistrate court shall grant and issue a summons  
43 to the sheriff or his or her deputy, ~~or to~~ any lawful constable of the county where the land  
44 is located, or an approved process server. A copy of the summons and a copy of the  
45 affidavit shall be personally served upon the defendant. If the sheriff, constable, ~~or~~  
46 approved process server is unable to serve the defendant personally, service may be had  
47 by delivering the summons and the affidavit to any person who is sui juris residing on the  
48 premises or, if after reasonable effort no such person is found residing on the premises, by  
49 posting a copy of the summons and the affidavit on the door of the premises and, on the  
50 same day of such posting, by enclosing, directing, stamping, and mailing by first-class mail  
51 a copy of the summons and the affidavit to the defendant at his or her last known address,  
52 if any, and making an entry of this action on the affidavit filed in the case."

53

**SECTION 4.**

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