

House Bill 710

By: Representatives Jackson of the 68<sup>th</sup>, Mitchell of the 88<sup>th</sup>, Sanchez of the 42<sup>nd</sup>, Scott of the 76<sup>th</sup>, and Schofield of the 63<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 10 and 44 of the Official Code of Georgia Annotated, relating to commerce  
2 and trade and property, respectively, so as to provide certain limits on increases in rental  
3 amounts charged for residential properties; to prohibit landlords from charging rental  
4 amounts in excess of such limits as an unlawful, unfair, and deceptive trade practice; to  
5 provide for definitions; to provide for statutory construction; to provide for an affirmative  
6 defense; to provide for an effective date and applicability; to provide for related matters; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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16 "(36) Failure to comply with the provisions of Code Section 44-7-25 regarding  
17 limitations on increases in rental amounts for residential properties."

18 **SECTION 2.**

19 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in  
20 Article 1 of Chapter 7, relating to landlords and tenants in general, by adding a new Code  
21 section to read as follows:

22 "44-7-25.

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

24 (1) 'Disability' shall have the same meaning as set forth in 42 U.S.C. Section 12102, as  
25 of July 1, 2025.

26 (2) 'Nondiscounted' means any rental amount charged to any tenant, excluding any rental  
27 amount charged to a student or senior citizen.

28 (3) 'Lease year' means the consecutive 12 month period following the commencement  
29 date of the rental agreement and each subsequent 12 month period thereafter.

30 (4) 'Rental agreement' means any lease, rental, or other written agreement entered into  
31 by a landlord and a tenant in connection with such tenant leasing, subleasing, letting, or  
32 otherwise accepting a grant for consideration of the right to use or occupy residential  
33 premises for a fixed term or at the will of the landlord.

34 (5) 'Rental amount' means periodic payments due to a landlord for the use and occupancy  
35 of any residential property pursuant to a rental agreement and includes any additional fees  
36 due to such landlord pursuant to the rental agreement. Such term shall not include any  
37 payments for damages, fees for late payments, legal costs, deposits, payments of funds  
38 to be held in trust, or other one-time fees.

39 (6) 'Rental freeze option' means a tenant right, in renewing any rental agreement, to  
40 require, for a period of up to five lease years, that any rental amount for a new lease year  
41 remain fixed at the rental amount last paid by such tenant.

42 (7) 'Residential property' means any building, structure, or portion thereof which is used  
43 or occupied as, or designed or intended for use or occupancy as, a residence. Such term  
44 shall not include any building, structure, or portion thereof that is:

45 (A) Constructed after 2024, such exclusion to continue for 15 years after the date of  
46 construction;

47 (B) Subject to restrictions where the rental amount charged is controlled, regulated, or  
48 subsidized by any governmental unit, agency, authority, or other entity; or

49 (C) Constructed and maintained in connection with any institution of the University  
50 System of Georgia or unit of the Technical College System of Georgia for use and  
51 occupancy by an individual enrolled at such institution or unit.

52 (8) 'Senior citizen' means an individual who is a current resident of this state, is 65 years  
53 of age or older, and whose primary source of income is from payments received pursuant  
54 to the federal Social Security Act, including, but not limited to, old age and survivors  
55 benefits, supplemental security income benefits, and disability insurance benefits.

56 (9) 'Student' means an individual who is a current resident of this state, between 18  
57 and 26 years of age, and currently enrolled in any institution of the University System of  
58 Georgia or unit of the Technical College System of Georgia.

59 (b) For any residential property, no landlord shall:

60 (1) Increase the rental amount during any fixed term of a rental agreement, except as  
61 explicitly provided in such rental agreement;

62 (2) Increase the rental amount by more than 3 percent of the lowest, nondiscounted rental  
63 amount charged for that residential property at any time during the 12 month period  
64 immediately preceding the date on which the increase takes effect, excluding  
65 consideration of rental amounts;

66 (3) Increase the rental amount without providing at least 120 days of notice prior to such  
67 increase; or

68 (4) Increase the rental amount paid by a tenant who is a student or a senior citizen by  
69 more than 2 percent annually, including an increase in any rental amount paid by a tenant  
70 who is a senior citizen for reasonable accommodations in relation to a disability in  
71 accordance with the federal Americans with Disabilities Act.

72 (c)(1) A tenant who is a senior citizen, who has rented the same residential property for  
73 more than five consecutive years, and whose annual income is at or below the federal  
74 poverty level provided by the United States Department of Health and Human Services  
75 shall have the right to exercise a one-time rental freeze option; provided, however, that  
76 such tenant is not in default under the rental agreement at the time of exercising such  
77 option.

78 (2) To exercise a rental freeze option pursuant to paragraph (1) of this subsection, a  
79 tenant must provide the landlord with a notice of intent to exercise such rental freeze  
80 option at least 90 days prior to the end of the tenant's current lease year. Any such option  
81 shall be subject to a verification of the tenant's income by the landlord.

82 (d) Without otherwise limiting the definition of unfair or deceptive acts or practices under  
83 Part 2 of Article 15 of Chapter 1 of Title 10, any violation of this Code section by a  
84 landlord shall be considered an unfair or deceptive act or practice as provided in Code  
85 Section 10-1-393.

86 (e) It shall be an affirmative defense to and counterclaim in any dispossessory proceeding  
87 or eviction action that the landlord has charged a rental amount in excess of the limits set  
88 forth in this Code section.

89 (f) No landlord shall terminate a tenancy, fail to renew a tenancy, or refuse to enter into  
90 a rental agreement with an individual based on such individual's status as a student or  
91 senior citizen."

92

**SECTION 3.**

93 This Act shall become effective upon its approval by the Governor or upon its becoming law  
94 without such approval and shall apply to all rental agreements entered into on or after such  
95 date and to all renewals, modifications, or extensions of such agreements entered into on or  
96 after such date.

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**SECTION 4.**

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