

House Bill 875

By: Representatives Flourney of the 74<sup>th</sup>, Howard of the 129<sup>th</sup>, Beckles of the 96<sup>th</sup>, Santos of the 117<sup>th</sup>, Neal of the 79<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to dispossessory proceedings, so as to provide for a tenant seeking to limit public  
3 access to records of the court relating to dispossessory actions to be sealed under certain  
4 circumstances; to provide for exemptions; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to  
9 dispossessory proceedings, is amended by adding a new Code section to read as follows:

10 "44-7-60.

11 (a) When a tenant prevails in a dispossessory action, such tenant may seek to limit public  
12 access to his or her dispossessory action records, and the court may, in its discretion, order  
13 that all records of the court relating to the dispossessory proceeding be sealed and  
14 unavailable to the public.

- 15 (b) A tenant who has entered into a settlement agreement with a landlord to resolve a  
16 dispossessory action may petition the court to seal all records of the court relating to the  
17 dispossessory proceeding and made unavailable to the public when:
- 18 (1) The tenant meets all conditions of the settlement agreement; or  
19 (2) The landlord receives funds from a local, state, or federal government agency or a  
20 nonprofit agency.
- 21 (c) Three years after a dispossessory action concluded, a tenant who did not prevail in such  
22 dispossessory action may petition the court to seal all records of the court relating to the  
23 dispossessory proceeding and made unavailable to the public when:
- 24 (1) The dispossessory action occurred during a period of a public health emergency;  
25 (2) Extraordinary hardships beyond the tenant's control resulted in the dispossessory  
26 action; or
- 27 (3) No other dispossessory actions are pending against the tenant at the time the petition  
28 is filed.
- 29 (d) Within 30 days after the date of filing of the court's order to seal the record of a  
30 dispossessory action, the clerk of the court shall cause every document in connection with  
31 the dispossessory proceeding, physical or electronic, in its custody, possession, or control  
32 of the court to be sealed and made unavailable to the public.
- 33 (e) Nothing in this Code section shall prohibit access to the records of the dispossessory  
34 action by the landlord, tenant, or attorney of any party to the original dispossessory action.
- 35 (f) A court may permit access to dispossessory action records sealed pursuant to this Code  
36 section, only when such access is for academic purposes including data aggregation or  
37 research."

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**SECTION 2.**

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