

Senate Bill 414

By: Senators Jackson of the 41st and Goodman of the 8th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia  
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to encourage  
3 transparency and fairness with respect to rent pricing for residential properties; to prohibit  
4 landlords from failing to disclose the total rental price of any residential property and  
5 charging hidden fees for any residential property; to provide for definitions; to provide for  
6 statutory construction; to provide for related matters; to provide for an effective date and  
7 applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
11 relating to the "Fair Business Practices Act of 1975," is amended in subsection (b) of Code  
12 Section 10-1-393, relating to unfair or deceptive practices in consumer transactions unlawful  
13 and examples, by striking "and" at the end of paragraph (36), replacing the period at the end  
14 of paragraph (37) with "; and", and adding a new paragraph to read as follows:

15 "(38) Failure to comply with the provisions of Code Section 10-1-393.22 regarding rent  
16 pricing for residential properties."

## SECTION 2.

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

"10-1-393.22.

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

(1) 'Clearly and conspicuously' means a disclosure that is easily noticeable and easily understandable by an ordinary consumer and displays any total rental price more prominently than any other pricing information.

(2) 'Hidden fees' means any fee for residential property, other than the cost to rent the residential property, including any fee:

(A) That is excessive;

(B) Charged for any service not actually performed nor received;

(C) Related to providing any service the landlord is legally required to provide under federal, state, or local law, or any rental agreement;

(D) Related to restricting a consumer to use a landlord's preferred vendor or service provider; or

(E) That is not expressly provided for in the rental agreement.

(3) 'Excessive' means greater than the actual cost of a good or service.

(4) 'Governmental fee' means any tax or other fee imposed by any federal, state, or local government entity, or by any tribal entity.

(5) 'Mandatory fee' means any additional fee or surcharge which a consumer is required to pay for any ancillary services or otherwise as part of renting any residential property, excluding utilities as such term is defined in Code Section 44-7-14.1.

(6) 'Rent' means to lease, sublease, let, or accept a grant for consideration of the right to possess and enjoy the use of any residential property either for a fixed time or at the will of the landlord.

(7) 'Rental agreement' means any lease, rental, or other written agreement entered into by a landlord and a consumer in order to rent any residential property.

44 (8) 'Rental price' means any pricing information relating to an amount a consumer must  
45 pay in order to rent any residential property.

46 (9) 'Residential property' means any building, structure, or portion thereof which is  
47 occupied as, or designed or intended for occupancy as, a residence. Such term includes  
48 hotels, inns, vacation rentals, or other short-term rental properties.

49 (10) 'Total rental price' means the total of all fees or charges a consumer must pay in  
50 order to rent any residential property, including, but not limited to, any mandatory fees  
51 or governmental fees.

52 (b) Without otherwise limiting the definition of unfair or deceptive acts or practices under  
53 this part, it shall be unlawful for any landlord to:

54 (1) Enter into any rental agreement with, or accept payment from, a consumer before  
55 disclosing clearly and conspicuously to such consumer the total rental price for such  
56 residential property; or

57 (2) Charge or otherwise impose on a consumer any hidden fee in connection with renting  
58 any residential property.

59 (c) Nothing in this Code section shall be construed to prohibit any landlord from pursuing  
60 remedies for any default under, early termination of, or other violation of a rental  
61 agreement; provided, however, that such remedies are expressly provided for in the rental  
62 agreement and any damages provided for are not excessive."

63 **SECTION 3.**

64 (a) This Act shall become effective upon its approval by the Governor or upon its becoming  
65 law without such approval.

66 (b) This Act shall apply to all rental agreements entered into on or after the effective date  
67 of this Act, and to any renewal, modification, or extension of such agreements entered into  
68 on or after such effective date.

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**SECTION 4.**

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