

SENATE SUBSTITUTE TO HB 61**ADOPTED SENATE****A BILL TO BE ENTITLED****AN ACT**

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
2 magistrate courts, so as to provide for magistrate court jurisdiction over certain proceedings;
3 to amend Code Section 16-7-21.1 of the Official Code of Georgia Annotated, relating to
4 unlawful squatting, so as to revise offense provisions; to amend Article 1 of Chapter 21 of
5 Title 43 of the Official Code of Georgia Annotated, relating to rights, duties, and liabilities
6 of innkeepers, so as to provide for certain guest removal procedures for innkeepers; to
7 provide for an affidavit; to provide for construction; to amend Title 44 of the Official Code
8 of Georgia Annotated, relating to property, so as to prohibit public access to court records
9 of dispossessory proceedings under certain conditions; to provide for limitations and law
10 enforcement officer safety regarding removal; to provide for legislative findings; to authorize
11 real property owners to request assistance from law enforcement for the immediate removal
12 of squatters from their property under certain conditions; to require such property owners to
13 submit a verified complaint; to provide for complaint requirements; to provide for law
14 enforcement requirements; to authorize arrest of squatters for legal cause; to authorize a fee
15 for service; to provide for law enforcement and property owner immunity in certain
16 instances; to provide for civil remedies; to provide for criminal penalties; to provide for
17 definitions; to provide for an effective date and applicability; to provide for related matters;
18 to provide for a short title; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 This Act shall be known and may be cited as the "Georgia Anti-Squatting Act of 2026."

22 **SECTION 2.**

23 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate
24 courts, is amended in subsection (a) of Code Section 15-10-2, relating to general jurisdiction
25 and authority of magistrate to act, by revising paragraphs (18) and (19) and adding a new
26 paragraph to read as follows:

27 "(18) The trial and sentencing of unlawful squatting violations as provided in Code
28 Section 16-7-21.1; ~~and~~
29 (19) Proceedings against intruders ~~and unlawful squatting~~ as provided in Code
30 Sections 44-11-30, 44-11-31, 44-11-32, and 44-11-33; and
31 (20) Proceedings against squatters as provided in Code Section 44-11-34."

32 **SECTION 3.**

33 Said chapter is further amended by revising Code Section 15-10-260, relating to jurisdiction
34 and penalties, as follows:

35 "15-10-260.

36 (a) This article governs trials of misdemeanor violations of Code Sections 16-13-30,
37 16-13-2, 16-8-14, 16-8-14.1, 3-3-23, ~~and 16-7-21~~, and 16-7-21.1.

38 (b) Magistrate courts are authorized to conduct trials and impose sentences for violations
39 of misdemeanors specified in subsection (a) of this Code section; ~~provided, however, that~~
40 as follows:

41 (1) For misdemeanor violations of Code Sections 16-13-30, 16-13-2, 16-8-14, 16-8-14.1,
 42 3-3-23, and 16-7-21, the violation must shall have occurred in the unincorporated area
 43 of the county; and

44 (2) For misdemeanor violations of Code Section 16-7-21.1, the violation may have
 45 occurred anywhere in the county.

46 (c) A person convicted of violation of a misdemeanor specified in subsection (a) of this
 47 Code section shall be punished as provided in paragraphs (1) through ~~(4)~~ (6) of this
 48 subsection as follows:

49 (1) For possession of less than one ounce of marijuana, as provided in subsection (b) of
 50 Code Section 16-13-2;

51 (2) For misdemeanor theft by shoplifting, as provided in paragraph (1) of subsection (b)
 52 of Code Section 16-8-14;

53 (3) For misdemeanor refund fraud, as provided in paragraph (1) of subsection (b) of
 54 Code Section 16-8-14.1;

55 (4) For furnishing alcoholic beverages to, and purchase and possession of alcoholic
 56 beverages by, a person under 21 years of age, as provided in Code Section 3-3-23.1; and

57 (5) For criminal trespass, as provided in subsection (d) of Code Section 16-7-21; and

58 (6) For unlawful squatting, as provided in subsection (c) of Code Section 16-7-21.1.

59 (d) The jurisdiction of magistrate courts to try and dispose of the misdemeanor violations
 60 enumerated in subsection (a) of this Code section shall be concurrent with the jurisdiction
 61 of any other courts having jurisdiction to try and dispose of such cases."

62 **SECTION 4.**

63 Code Section 16-7-21.1 of the Official Code of Georgia Annotated, relating to unlawful
 64 squatting, is amended as follows:

65 "16-7-21.1.

66 (a) As used in this Code section, the term 'resides' means to occupy, inhabit, or live.

67 ~~(a)(1)(b)~~ A person commits the offense of unlawful squatting when he or she enters upon
68 the land or premises of another and resides on such land or premises for any period of time
69 knowingly acting without the knowledge or ~~consent~~ authority of the property owner, the
70 rightful occupant of the property, or an authorized representative of the property owner.
71 ~~As used in this Code section, the term 'resides' means to inhabit or live on or within any~~
72 ~~land or premises.~~

73 ~~(2) Any person who commits or is accused of committing the offense of unlawful~~
74 ~~squatting as provided for in paragraph (1) of this subsection shall receive a citation~~
75 ~~advising that he or she shall present to the head of the issuing law enforcement agency~~
76 ~~or its designee, within three business days of receiving the citation for such alleged~~
77 ~~offense, properly executed documentation that authorizes the person's entry on such land~~
78 ~~or premises. Such documentation may include a properly executed lease or rental~~
79 ~~agreement or proof of rental payments.~~

80 ~~(3) If such person is unable to provide the documentation required by paragraph (2) of~~
81 ~~this subsection, such person shall be subject to arrest for unlawful squatting and, upon~~
82 ~~conviction thereof, shall be subject to the penalty provided in subsection (b) of this Code~~
83 ~~section.~~

84 ~~(4) If such person provides documentation that authorizes such person's entry on the land~~
85 ~~or premises, a hearing shall be set within seven days of the submission of such~~
86 ~~documentation, and, if the court of appropriate jurisdiction finds that the submitted~~
87 ~~documentation was not properly executed or is not meritorious, such person shall be~~
88 ~~subject to demand for possession and removal as provided in Code Section 44-11-32, be~~
89 ~~subject to arrest and upon conviction penalties as provided for in Code Sections 16-9-1~~
90 ~~and 16-9-2, and be assessed an additional fine based on the fair market monthly rental~~
91 ~~rate of the land or premises.~~

92 ~~(b)(c)~~ Any person who violates subsection ~~(a)~~ (b) of this Code section shall be guilty of
93 a misdemeanor ~~which~~ and upon conviction thereof, shall be punished as provided in Code

94 Section 17-10-3 and, further, shall be ordered to make restitution to the property owner, the
95 rightful occupant of the property, or an authorized representative of the property owner.
96 Such restitution shall be based upon the fair market monthly rental rate of the land or
97 premises."

98 **SECTION 5.**

99 Article 1 of Chapter 21 of Title 43 of the Official Code of Georgia Annotated, relating to
100 rights, duties, and liabilities of innkeepers, is amended by revising Code Section 43-21-3.2,
101 relating to written statement of period of occupancy signed by guest and rights of innkeeper
102 and guest under contract, as follows:

103 "43-21-3.2.

104 (a) A written statement prominently setting forth in bold type the time period during which
105 a guest may occupy an assigned room, when separately signed or initialed by the guest, is
106 a valid nonassignable contract. Such contract shall clearly state the terms under which a
107 person may occupy the room and that he or she may be subject to removal for failing to
108 comply with such contract; provided, however, that the contract shall include a provision
109 that an innkeeper shall not require a guest who stays for more than 90 consecutive days to
110 vacate such guest's room or the premises as set forth in subsection (b) of this Code section
111 until at least ten days, excluding legal holidays, after such innkeeper has served the guest
112 with written notice to vacate the room and premises. Such notice shall state the date by
113 which such guest is required to vacate and shall be posted conspicuously in a sealed
114 envelope on the door of the guest's assigned room and shall also be delivered by another
115 reasonable method to such guest or representative of such guest, including, but not limited
116 to, hand delivery, email, text message, mail, or placement under the door of the guest's
117 assigned room. Upon the expiration of the contracted time period and any applicable grace
118 ~~At the expiration of such time period,~~ the guest may be restrained from entering such room
119 and any personal property of the guest shall be subject to the innkeeper's lien as provided

120 for in Code Section 43-21-5 and may be removed by the innkeeper to a secure place where
121 the guest may recover his or her personal property upon payment by such guest of all sums
122 due for food, lodging, or other accommodation without liability to the innkeeper, except
123 for damages to or loss of such personal property attributable to its removal. The innkeeper
124 shall not charge arbitrary or excess fees for the storage, handling, or retrieval of such
125 guest's personal property beyond what is reasonably associated with such actions. If a
126 guest vacates his or her room prior to the date contained in the written statement, ~~that~~ such
127 guest shall not be liable for charges for the time after the room is vacated unless the guest
128 has agreed otherwise before occupying the room.

129 (b)(1) Upon the expiration of the contracted time period and any applicable grace period
130 set forth in the written contract, an innkeeper may immediately deny a guest further
131 access to the room or premises and may secure any personal property left behind by the
132 guest which shall be subject to the innkeeper's lien as provided for in Code Section
133 43-21-5.

134 (2) If a guest refuses to vacate upon the expiration of the contracted time period and any
135 applicable grace period and immediate denial of access is not possible, the innkeeper may
136 execute and file an affidavit with the appropriate law enforcement agency, along with a
137 copy of the signed contract, affirming the guest's lawful occupancy has expired. Upon
138 receipt, the law enforcement agency shall treat the guest as a trespasser subject to
139 removal under Code Section 16-7-21 and shall remove such person from the room or
140 premises.

141 (c)(1) Notwithstanding any other provision of law, when an innkeeper furnishes
142 accommodations to a guest on a day-to-day or week-to-week basis, an innkeeper-guest
143 relationship shall be presumed to exist regardless of such guest's length of stay or
144 frequency or method of payment, provided that such guest entered into a valid written
145 contract designating the relationship between the parties as innkeeper and guest and such
146 accommodations were provided on a day-to-day or week-to-week basis. An agreement

147 of understanding to convert a guest to a tenant shall be in writing, be signed by both
 148 parties, and expressly state the intent to establish a landlord-tenant relationship.

149 (2) An innkeeper's acceptance of a missed or late payment tendered by a guest shall not
 150 create a landlord-tenant relationship nor waive an innkeeper's right to pursue immediate
 151 removal of a guest pursuant to this Code or any other provision of law.

152 (d) Nothing in this Code section shall be construed to prohibit the innkeeper and guest
 153 from agreeing to an alternative remedy in lieu of removal from the property upon the
 154 expiration of a written contract under this Code section."

155

SECTION 6.

156 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in Code
 157 Section 44-7-50, relating to demand for possession, procedure upon a tenant's refusal, and
 158 notice to vacate or pay, by adding a new subsection to read as follows:

159 "(e) A court of competent jurisdiction shall order all records of the court relating to a
 160 dispossessory proceeding to be made unavailable to the public when the tenant has
 161 prevailed in the proceeding, has met all the conditions of a settlement agreement, or three
 162 years have lapsed since the resolution of the dispossessory action."

163

SECTION 7.

164 Said title is further amended in Code Section 44-7-55, relating to judgment, writ of
 165 possession, landlord's liability for wrongful conduct, distribution of funds paid into court, and
 166 personal property, by revising subsection (e) as follows:

167 "(e)(1) Nothing in this Code section shall require a sheriff, deputy sheriff, constable, or
 168 marshal to execute a writ of possession within 30 days from the issuance of any order
 169 granting a writ of possession, or the issuance, application, or request for the execution of
 170 the writ of possession; provided, however, that, in the event the sheriff, deputy sheriff,
 171 constable, or marshal is unable to execute the writ within ~~14~~ seven days from the

172 landlord's application or request for such execution, the landlord shall be entitled to
173 utilize the services of an off-duty sheriff, deputy sheriff, constable, marshal, or other
174 ~~individual~~ peace officer certified by the Georgia Peace Officer Standards and Training
175 Council having authority within the jurisdiction wherein the premises lie to execute such
176 writ at the landlord's sole cost and expense.

177 (2) The sheriff, deputy sheriff, constable, or marshal shall maintain a list of authorized
178 off-duty sheriffs, deputy sheriffs, constables, marshals, and other ~~individuals~~ peace
179 officers certified by the Georgia Peace Officer Standards and Training Council and make
180 the same available upon request by the landlord.

181 (3) The sheriff, deputy sheriff, constable, or marshal shall maintain administrative
182 authority over any persons executing writs under this subsection.

183 (4) Nothing in this Code section shall be construed to mandate that a sheriff or marshal
184 must authorize any off-duty peace officer who is not under his or her administrative
185 authority to enforce the provisions of this Code section.

186 (5) The landlord shall provide written notice to the sheriff, deputy sheriff, constable, or
187 marshal to whom the application for execution was originally submitted of the date and
188 time of the scheduled execution of the writ by such off-duty sheriff, deputy sheriff,
189 constable, marshal, or other ~~individual~~ peace officer certified by the Georgia Peace
190 Officer Standards and Training Council at least ~~five~~ three calendar days in advance of
191 such execution in order to permit the sheriff, deputy sheriff, constable, or marshal to note
192 the same within his or her own records.

193 (6) For officer safety purposes, a landlord that is utilizing the services of an off-duty
194 sheriff, deputy sheriff, constable, marshal, or other peace officer certified by the Georgia
195 Peace Officer Standards and Training Council pursuant to this Code section shall provide
196 written notice to the sheriff of the county and, if applicable, the police chief and marshal
197 of the county at least three calendar days in advance of any writ of possession being
198 executed."

199

SECTION 8.

200 Said title is further amended in Chapter 11, relating to ejectment and proceedings against
201 intruders, by adding a new Code section to read as follows:

202 "44-11-34.

203 (a) As used in this Code section, the term 'resides' shall have the same meaning as set forth
204 in Code Section 16-7-21.1.

205 (b) The General Assembly finds that the right to exclude others from entering, and the
206 right to direct others to immediately vacate, real property are the most important real
207 property rights. The General Assembly further finds that existing remedies regarding a
208 squatter, also known as an unauthorized person who unlawfully remains or resides on real
209 property, fail to adequately protect the rights of the real property owner and fail to
210 adequately discourage theft and vandalism. The intent of this Code section is to swiftly
211 restore possession of real property to the lawful owner of the property when such property
212 is being unlawfully occupied and to thereby preserve real property rights while limiting the
213 opportunity for criminal activity.

214 (c) A real property owner or his or her authorized agent may request from the sheriff,
215 deputy sheriff, constable, marshal, or other peace officer certified by the Georgia Peace
216 Officer Standards and Training Council of the county in which the real property is located
217 the immediate removal of a person or persons unlawfully residing on or within the real
218 property pursuant to this Code section, subject to the following conditions:

219 (1) The requesting person is the real property owner or authorized agent of the real
220 property owner;

221 (2) An unauthorized person or persons have unlawfully entered and remain or continue
222 to reside on or within the property owner's real property;

223 (3) The real property was not open to members of the public at the time the unauthorized
224 person or persons entered;

225 (4) The real property owner has directed the unauthorized person or persons to leave the
 226 real property;

227 (5) The unauthorized person or persons are not current tenants pursuant to a written or
 228 oral rental agreement authorized by the real property owner;

229 (6) The unauthorized person or persons are not immediate family members of the real
 230 property owner; and

231 (7) There is no pending litigation related to the real property between the real property
 232 owner and any known, unauthorized person.

233 (d) To request the immediate removal of a person or persons unlawfully residing on or
 234 within the real property, the real property owner or his or her authorized agent shall submit
 235 a complaint by presenting a completed and verified Complaint to Remove Persons
 236 Unlawfully Residing On or Within Real Property to the sheriff, deputy sheriff, constable,
 237 marshal, or other peace officer certified by the Georgia Peace Officer Standards and
 238 Training Council of the county in which the real property is located. The submitted
 239 complaint shall be in substantially the following form:

240 'COMPLAINT TO REMOVE PERSONS UNLAWFULLY RESIDING ON
 241 OR WITHIN REAL PROPERTY

242 I, the owner or authorized agent of the owner of the real property located at _____
 243 _____, declare under the penalty of perjury that (initial each box):

244 1. I am the owner of the real property or the authorized agent of the owner
 245 of the real property.

246 2. I purchased the property on _____ (date).

247 3. An unauthorized person or persons have unlawfully entered and are
 248 remaining or residing unlawfully on or within the real property.

- 249 4. The real property was not open to members of the public at the time the
250 unauthorized person or persons entered.
- 251 5. I have directed the unauthorized person or persons to leave the real
252 property, but they have not done so.
- 253 6. The unauthorized person or persons are not current tenants pursuant to
254 any valid lease I authorized, and any lease that may be produced by such
255 person or persons is fraudulent or expired.
- 256 7. The unauthorized person or persons sought to be removed are not an
257 owner or a co-owner of the real property and have not been listed on the
258 title to the real property unless the person or persons have engaged in title
259 fraud.
- 260 8. The unauthorized person or persons sought to be removed are not
261 immediate family members of mine.
- 262 9. There is no litigation related to the real property pending between myself
263 and any person or persons sought to be removed.
- 264 10. I understand that a person or persons removed from the real property
265 pursuant to this procedure may bring a cause of action against me for any
266 false statements made in this complaint, or for wrongfully using this
267 procedure, and that as a result of such action I may be held liable for
268 actual damages, statutory damages, penalties, costs, and reasonable
269 attorney's fees.
- 270 11. I am requesting the sheriff, deputy sheriff, constable, marshal, or other
271 peace officer certified by the Georgia Peace Officer Standards and
272 Training Council to immediately remove the unauthorized person or
273 persons from the real property.

274 12. A copy of my valid government issued identification is attached, or I am
 275 an agent of the real property owner and documents evidencing my
 276 authority to act on the real property owner's behalf are attached.

277 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND EACH
 278 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE
 279 STATEMENTS MADE IN THIS COMPLAINT ARE BEING MADE UNDER
 280 PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN O.C.G.A. 16-10-70.

281 _____
 282 (Signature of Real Property Owner or Agent of Real Property Owner)

283 (e)(1) Upon receipt of the complaint, the sheriff, deputy sheriff, constable, marshal, or
 284 other peace officer certified by the Georgia Peace Officer Standards and Training Council
 285 shall verify in good faith that the person submitting the complaint is the true property
 286 owner of the real property or the authorized agent of the property owner and appears
 287 otherwise entitled to relief under this Code section. If verified, such sheriff, deputy
 288 sheriff, constable, marshal, or other peace officer shall, without delay, serve notice to
 289 immediately vacate on all unauthorized persons and shall put the real property owner in
 290 possession of the real property.

291 (2) Service pursuant to paragraph (1) of this subsection may be accomplished by hand
 292 delivery of the notice to an unauthorized person or by posting the notice on the front door
 293 or entrance of the real property.

294 (f)(1) The sheriff, deputy sheriff, constable, marshal, or other peace officer certified by
 295 the Georgia Peace Officer Standards and Training Council shall be entitled to the same
 296 fee for service of the notice to immediately vacate as if such sheriff, deputy sheriff,
 297 constable, marshal, or other peace officer certified by the Georgia Peace Officer
 298 Standards and Training Council were serving a writ of possession. After such sheriff,

299 deputy sheriff, constable, marshal, or other peace officer certified by the Georgia Peace
300 Officer Standards and Training Council serves the notice to immediately vacate, the real
301 property owner or his or her authorized agent may request the sheriff, deputy sheriff,
302 constable, marshal, or other peace officer certified by the Georgia Peace Officer
303 Standards and Training Council to stand by to keep the peace while the verified real
304 property owner or authorized agent of the real property owner changes the locks and
305 removes any personal property of the unauthorized person or persons from the land or
306 premises to or near the property line. When such request is made, such sheriff, deputy
307 sheriff, constable, marshal, or other peace officer certified by the Georgia Peace Officer
308 Standards and Training Council may charge a reasonable hourly rate, and the real
309 property owner or agent requesting such service shall be responsible for paying the
310 reasonable hourly rate set by such sheriff, deputy sheriff, constable, marshal, or other
311 peace officer certified by the Georgia Peace Officer Standards and Training Council. The
312 sheriff, deputy sheriff, constable, marshal, or other peace officer certified by the Georgia
313 Peace Officer Standards and Training Council shall not be liable to the unauthorized
314 person or persons or any other party for the loss of or destruction or damage to the
315 property.

316 (2) The real property owner or his or her authorized agent shall not be liable to an
317 unauthorized person or persons or any other party for the loss of or destruction or damage
318 to such personal property unless the removal was wrongful.

319 (g) Any person who, with the intent to remain or reside upon real property, knowingly and
320 willfully presents to another person a false document purporting to be a valid lease
321 agreement, deed, or other instrument conveying real property rights commits a felony, and
322 upon conviction thereof, shall be sentenced to a mandatory minimum term of imprisonment
323 of not less than one year nor more than five years, and no portion of the mandatory
324 minimum sentence imposed shall be suspended, stayed, probated, deferred, or otherwise
325 withheld by the sentencing court.

326 (h) A person may bring a civil cause of action for wrongful removal under this Code
327 section. A person harmed by a wrongful removal under this Code section may be restored
328 to possession of the real property and may recover actual damages incurred, statutory
329 damages equal to three times the fair market monthly rental rate of the property, court
330 costs, and reasonable attorney's fees. The court shall expedite such cause of action on the
331 court calendar.

332 (i) Nothing in this Code section shall prohibit or otherwise limit the rights of a real
333 property owner or the authority of a sheriff, deputy sheriff, constable, marshal, or other
334 peace officer certified by the Georgia Peace Officer Standards and Training Council to
335 arrest an unauthorized person or persons for criminal trespass as provided in Code
336 Section 16-7-21, unlawful squatting as provided in Code Section 16-7-21.1, criminal
337 damage to property in the first degree as provided in Code Section 16-7-22, criminal
338 damage to property in the second degree as provided in Code Section 16-7-23, theft in
339 violation of Article 1 of Chapter 8 of Title 16, or any other offense."

340

SECTION 9.

341 This Act shall become effective upon its approval by the Governor or upon its becoming law
342 without such approval.

343

SECTION 10.

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