

AN ORDINANCE REQUIRING THAT THE ATTACHED NOTICE OF CERTAIN GEORGIA LANDLORD (LESSOR) AND TENANT (LESSEE) RIGHTS AND RESPONSIBILITIES (EXHIBIT A) SHALL BE PROVIDED BY ALL LANDLORDS LEASING REAL PROPERTY OR LIVING UNITS WITHIN DEKALB COUNTY GEORGIA FOR RESIDENTIAL PURPOSES, PRIOR TO THE SIGNING OF ANY LEASE AND AS AN ATTACHMENT TO ANY UNSIGNED LEASE AGREEMENT, TO PROSPECTIVE TENANTS SEEKING TO LEASE ANY SUCH PROPERTY OR UNIT; AND REQUIRING THAT BOTH PARTIES TO EVERY SUCH RESIDENTIAL LEASE SHALL SIGN THE ATTACHED NOTICE ACKNOWLEDGING ITS RECEIPT UPON SIGNING SUCH LEASE; AND FOR OTHER PURPOSES.

WHEREAS, the State of Georgia has enacted laws which govern the rights and responsibilities of Owners of real property designated for residential use, their Agents, and Tenants of such residential real property; and,

WHEREAS, these laws may differ from the laws enacted by other States which govern the rights and responsibilities of Owners of real property designated for residential use, their Agents, and Tenants of such residential real property; and,

WHEREAS, **DeKalb County is experiencing a large number of dispossessory filings and writs; and,**

WHEREAS, many of the dispossessory filings are due to tenants being unaware of their rights and responsibilities as tenants of leased residential property in Georgia; and,

WHEREAS, dispossessory filings and writs can contribute to housing insecurity and homelessness of DeKalb County residents; and,

WHEREAS, it is in the public interest of DeKalb County government, citizens, and businesses to take reasonable measures to reduce dispossessory filings and writs and housing insecurity by increasing the awareness of Owners, Agents, and Tenants of their respective rights and responsibilities.

THE COMMISSION OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS AS FOLLOWS that prior to the signing of any lease of residential real property or living unit therein, the Lessor shall provide the attached notice of rights and responsibilities of both parties within Georgia law to each prospective Lessee; and,

BE IT FURTHER ORDAINED, that the Lessor shall provide adequate time for review of such notice by each prospective Lessee prior to signing of any lease of residential real property or living unit therein; and,

BE IT FURTHER ORDAINED, that the Lessor AND Lessee shall acknowledge receipt and review of such notice by signing the notice when signing any lease of residential real property or living unit therein; and,

BE IT FINALLY ORDAINED, that the Lessor shall update the notice annually or as frequently as necessary to properly reflect the rights and responsibilities of Lessors and Lessees as enacted within the laws of the State of Georgia

(Exhibit A)

## NOTICE OF CERTAIN LESSOR AND LESSEE RIGHTS AND RESPONSIBILITIES IN THE STATE OF GEORGIA

According to Georgia law, landlords are responsible for keeping rental properties in good condition. A landlord cannot make a tenant make or pay for repairs, unless that tenant, his/her family, or guests caused the damage.

According to Georgia law, tenants **may not withhold rent**, including for reasons related to substandard conditions in a rental property.

If a tenant is experiencing unhealthy, unsafe, or otherwise substandard conditions in a property they are legally renting, **AND** the tenant makes a repair request to the landlord (should be in writing), **AND** the landlord does not make suitable repairs in a reasonable amount of time, the following actions are permissible:

- Tenant may sue the landlord for damages;
- Tenant may legally ‘repair and deduct’, or pay for repairs themselves and deduct the cost of the repair from the next month’s rent; copies of all receipts and invoices associated with the work should be saved; however, the tenant might not recover the money spent if the landlord takes the tenant to court. Therefore a tenant **should always consult an attorney** before taking the ‘repair and deduct’ action;
- Tenant may contact DeKalb County Code Compliance Administration to file a code violation complaint:
  - Via email at [codeenforce@dekalbcountyga.gov](mailto:codeenforce@dekalbcountyga.gov)
  - Via phone at 404-687-3700
  - Online at [Home - CIVICS \(dekalbcountyga.gov\)](http://Home-CIVICS(dekalbcountyga.gov))

For legal assistance with landlord-tenant disputes or eviction matters in DeKalb County, the **Atlanta Legal Aid Society** may be able to provide free legal assistance:

- **Atlanta Legal Aid Society online:** [GET HELP – Atlanta Legal Aid](#)
- **Atlanta Legal Aid Society by phone in DeKalb County:** 404-377-0701

Tenant Communications with a landlord about repair or substandard housing issues should always be in writing, and should include the Tenant’s name, address, and the date on the letter or email. The Tenant should also keep a copy of the communication for themselves.

If you are in danger of facing eviction or have had an eviction filed against you, do not wait. Seek legal assistance immediately. Delaying the required response may result in the tenant losing certain rights within the eviction legal process.

This notice does not replace or act as legal advice, nor as a full description of all legal rights and responsibilities of landlords and tenants. For a more comprehensive description of these rights and responsibilities in Georgia, please refer to the **Georgia Landlord-Tenant Handbook** published by the Georgia Department of Community Affairs. [Georgia Landlord-Tenant Handbook | Georgia Department of Community Affairs \(ga.gov\)](#)

*Acknowledgements to the Atlanta Legal Aid Society, Inc’s Tenants Rights brochure, dated 9/30/2010*