



SMALL CLAIMS LAWSUITS

ALBANY/DOUGHERTY COUNTY

Disputes that cannot be resolved can be taken to a small claims (magistrate) court

The purpose of small claims (magistrate) court is to handle disputes under \$15,000 and is meant to be informal, quick, and inexpensive

Types of cases filed in small claims court

Landlord doesn't return the security deposit

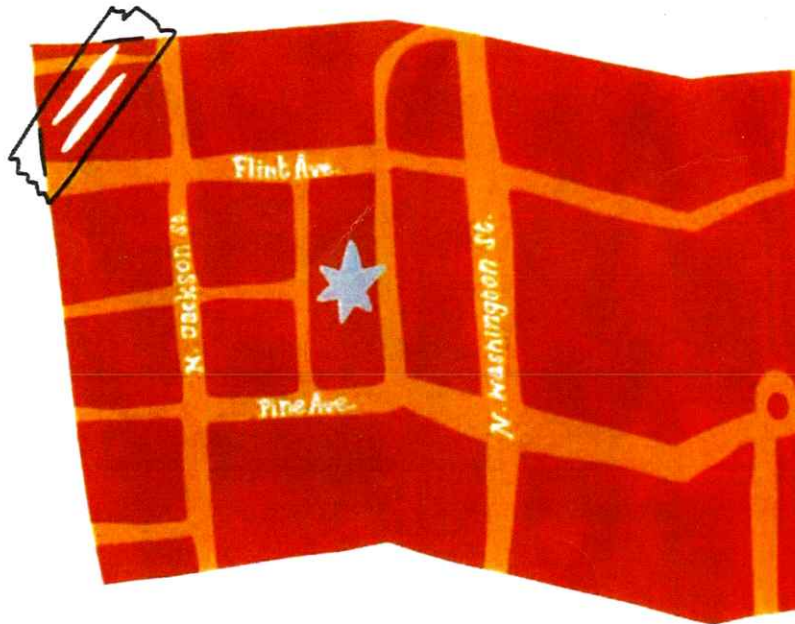
Tenant doesn't pay rent and landlord wants to evict tenant

Tenant refuses to pay for damages which are more than the security deposit

Small claims court location

225 Pine Ave, Albany, GA 31701

Phone: 229-431-3126



GEORGIA

Tenants can file a lawsuit in Magistrate Court and sue for the amount of the security deposit (up to \$15,000) if landlords wrongfully withhold money from the deposit or if they do not get back to you by the deadline. If the amount exceeds \$15,000, the claim will be transferred to another court

Magistrate Court does not place a limit on the dollar amount awarded in eviction cases.

Steps renters can take to get your money back in a timely manner:

Know the difference between last month's rent and security deposit

Know how much should be returned

Follow up with the landlord

Sue in small claims court if necessary



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BOUNCED CHECK FEES AND OTHER RENT RULES

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There are no restrictions on late fees. All rental contracts accrue interest from the time rent is due.

TERMINATION AND EVICTION RULES

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A landlord may give a tenant, who has failed to pay rent more than once within a 12-month period, an unconditional quit notice. If the tenant does not move out immediately, the landlord can file for eviction. After the tenant is served with the summons they have seven (7) days to file an Answer. If no Answer is filed, the Landlord automatically gets the Dispossessory Order to evict the person. If an Answer is filed within seven days, the Court puts it on for a hearing where a Tenant can offer proof of their defenses and a claim against the Landlord. However, by filing an Answer, the Court then also has the authority to issue a judgment against the Tenant for the rent, etc. that is owed.



After the eviction is filed, the Tenant has seven days to pay the past due rent, fine, penalties, etc. and court costs (and any other fees listed in the lease that are triggered by the eviction filing) and the eviction does not go forward. The Tenant is limited to exercise this option only once in a twelve month period.

Landlords can legally evict tenants if the tenant has not paid rent, violates the lease, or has not moved out at the end of the lease. The landlord must sue in court. Make sure to call a lawyer if you receive a lawsuit.

SECURITY DEPOSIT LIMIT AND RETURN

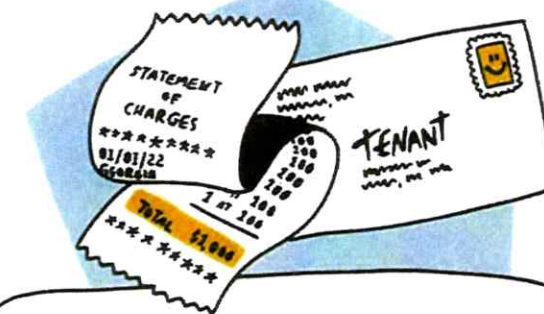
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There is no limit on security deposits



Landlord must return the security deposit **within one month** after the tenant moves out



If the landlord keeps part or all of the security deposit, they have to provide a statement of charges and mail it to the tenant



REQUIRED LANDLORD DISCLOSURES

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- Security deposit details
- Nonrefundable/refundable fees
- Existing damages to rental property
- Tenants' rights to be present at a move-out inspection
- Details on landlord-tenant law, such as local rent control rules
 - There is no rent control protection in GA. Landlords can charge whatever amount they think the market will bear.
- Info about registered sexual offender databases
- Shared utility arrangements
- Installation and maintenance of smoke detectors, carbon monoxide detectors, and alarms
- Location of a former federal or state military ordnance within a certain distance of the rental
- Presence of environmental and health hazards like lead paint, radon, or asbestos
- Landlord's identity and who can receive legal documents and manages the property
- Recent flooding in the rental
- Smoking policy
- History of a methamphetamine laboratory at the rental
- Outstanding building inspection or condemnation orders or housing code violations
- Rights of domestic violence victims

LANDLORD ACCESS TO RENTAL PROPERTY, TENANT PROTECTION AGAINST RETALIATION, AND OTHER LOCAL LAWS



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The lease will say when a landlord can enter the property.

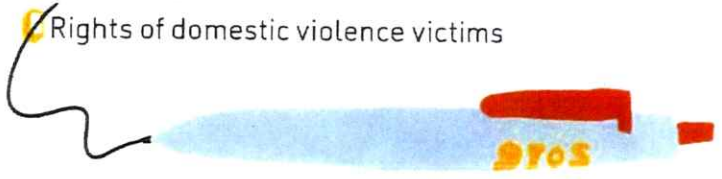
Georgia law protects tenants from retaliation by their landlords for complaining of unsafe or unhealthy living conditions. You are protected if you are current on your rent and not otherwise in violation of your lease and:

- Asked the landlord to make a repair relating to the health and safety of your home; or
- Called Code Enforcement or another government office about a repair or maintenance issue; or
- Were part of a tenant organization that addressed safety and health issues in the complex.

And your landlord, within 3 months of your actions:

- Filed an eviction against you
- Locked you out of your apartment
- Reduced services you were getting
- Raised your rent
- Ended your lease early

If the landlord has retaliated against the tenant this is a defense to a dispossessory action, and the tenant may recover one month's rent plus \$500 damages, court costs, attorney's fees if the landlord acted wilfully or maliciously, and declaratory relief.



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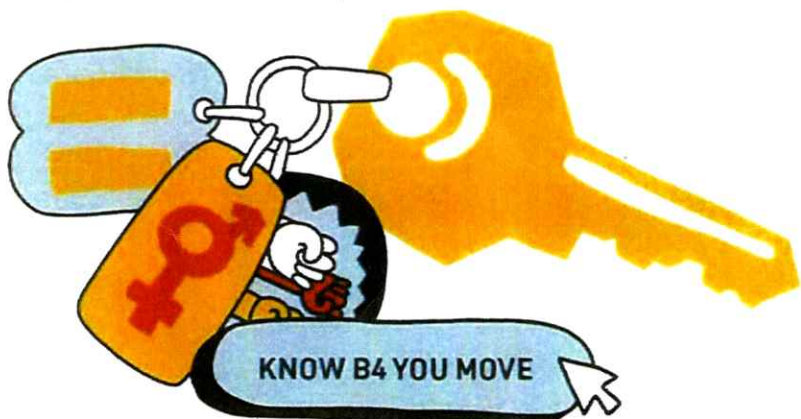


**LOCAL ORDINANCES
AFFECTING
LANDLORDS AND TENANTS
IN ALBANY**

FEDERAL FAIR HOUSING ACT PROTECTIONS

Although most landlords and tenants will deal with state law, the Federal Fair Housing Act prohibits discrimination. It is illegal to refuse to rent or take any action in relation to a rental application, rental, eviction, etc. because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, or national origin.

It is a landlord's responsibility to disclose environmental health hazards, such as lead-based paint.



Know B4 You Move is a new online service offered by Albany Utilities. This tool allows renters to request a property's utility history, so that renters can get a realistic idea of utility costs before moving

The form can be completed and submitted via the City's website: www.albanyga.gov



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OTHER PERTINENT INFORMATION**BEFORE YOU MOVE IN:**

Double check that the entire rental is in good condition

Make a list and take photos of damages or things that are wrong with the rental. Have the landlord sign the list and keep a signed copy

Do not sign the lease or move in until landlord completes repairs, if possible

First cost will be the application fee, and make sure to ask if this fee will be returned to you if your application is denied. Also ask if the application fee can be applied to your rent if you decide to rent.

Read your lease carefully before you sign it. Keep a copy.

WHILE RENTING:

Landlord is responsible for repairs to keep the rental in good condition

Under GA law, landlord cannot make a tenant make or pay for repairs, unless the tenant or their guests have caused the damage

If the landlord does not make requested repairs within a reasonable amount of time, you can sue for damages

Your rent cannot be raised during the term of the lease, unless the lease says otherwise

Communicate with your landlord in writing

MOVING OUT:

Give your landlord 30 days notice of moving out, unless the lease says otherwise

SCAN THIS CODE TO VIEW THIS DOCUMENT ONLINE AND ACCESS HELPFUL LINKS:



OR VISIT 9T05.ORG/GA-TENANTS/

In Partnership With:



9to5.org/ga-tenants/



Our mission is to build a movement to achieve economic justice, by engaging directly affected women to improve working conditions.

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RENTERS BILLS OF RIGHTS



Overview of Landlord-Tenant Laws in Albany & Across Our State