*** Current Through the 2014 Regular Session ***

TITLE 44. PROPERTY
CHAPTER 7. LANDLORD AND TENANT
ARTICLE 1. IN GENERAL

O.C.G.A. § 44-7-2 (2014)

§ 44-7-2. Parol contract creating landlord and tenant relationship; certain provisions prohibited; effect of provision for attorney's fees

   (a) Contracts creating the relationship of landlord and tenant for any time not exceeding one year may be by parol.

(b) In any contract, lease, license agreement, or similar agreement, oral or written, for the use or rental of real property as a dwelling place, a landlord or a tenant may not waive, assign, transfer, or otherwise avoid any of the rights, duties, or remedies contained in the following provisions of law:

   (1) Code Section 44-7-13, relating to the duties of a landlord as to repairs and improvements;

   (2) Code Section 44-7-14, relating to the liability of a landlord for failure to repair;

   (3) Ordinances adopted pursuant to Code Section 36-61-11;

   (4) Article 3 of this chapter, relating to proceedings against tenants holding over;

   (5) Article 4 of this chapter, relating to distress warrants;

   (6) Article 2 of this chapter, relating to security deposits; and

   (7) Any applicable provision of Chapter 11 of Title 9 which has not

been superseded by this chapter.

(c) A provision for the payment by the tenant of the attorney's fees of the landlord upon the breach of a rental agreement by the tenant, which provision is contained in a contract, lease, license agreement, or similar agreement, oral or written, for the use or rental of real property as a dwelling place shall be void unless the provision also provides for the payment by the landlord of the attorney's fees of the tenant upon the breach of the rental agreement by the landlord.

HISTORY: Orig. Code 1863, § 2262; Code 1868, § 2254; Code 1873, § 2280; Code 1882, § 2280; Civil Code 1895, § 3117; Civil Code 1910, § 3693; Code 1933, § 61-102; Ga. L. 1976, p. 1372, § 1; Ga. L. 1982, p. 3, § 44.