

LANDLORD FAQ

What must a landlord do to evict a tenant?

- ▶ The landlord should adhere to the lease and comply with its terms regarding notice and termination. Georgia law requires a landlord to go through court to remove a tenant.

When can a landlord begin legal proceeding to evict a tenant?

- ▶ A landlord can file a dispossessory action to remove the tenant if the tenant fails to pay rent, violates a term of the lease, or remains in possession after the lease has ended.

Where does a landlord file a legal claim to remove a tenant?

- ▶ The action must be filed in the county where the rental property is located, usually in the magistrate court.

The tenants have not paid rent in several months. Can I turn off their utilities?

- ▶ No, under Georgia Law (O.C.G.A. § 44-7-14.1), a landlord who wants to force tenants to move must go through court and follow the dispossessory process.

My tenant was served with the dispossessory, when can I require them to move?

- ▶ The tenant is allowed to remain in possession of the rental property until there is a court order that he/she vacates. After receiving the dispossessory warrant, if the tenant did not file an answer, a writ of possession can be issued for immediate eviction.

The court issued a “writ of possession” which states that my tenants are no longer entitled to remain in my rental house. How do I get them and their property out of the rental house?

- ▶ The “writ of possession” allows the landlord to remove from the property the tenant and their personal property, and place the personal property on some portion of the landlord’s land. The landlord is responsible for the cost of the eviction. The landlord may hire a private company to perform the evictions or perform it with his own team. The landlord owes the tenant no duty to protect the personal property removed during the eviction.

RICHMOND COUNTY MARSHAL’S OFFICE



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Additional information regarding the eviction process can be found in the Georgia Department of Community Affairs Tenant Landlord Handbook.

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According to Augusta Solid Waste, Richmond County’s Environmental Services Department, the personal property must be removed within 24 hours or the landlord will be cited. Personal property left on the curb will only be collected by Augusta Solid Waste under the existing bulky waste rules on the assigned day of garbage pickup. Any property over the size of 5' x 5' x 10' can be pickup for an extra charge. The landlord can contact 311 to arrange a pickup if the material is over the allotted size guidelines.

311 **FOR QUESTIONS** regarding eviction procedures, please call 311 for more help.



RICHMOND COUNTY EVICTION PROCEDURES

Important Information for the Tenant and Landlord

It is the policy of the Richmond County Marshal’s Office to execute a writ of eviction in a timely and professional manner. The Deputy Marshal is required to carry out the order of the court and does not represent the interest of either party.



THE EVICTION PROCESS

This begins when a landlord files a dispossessory affidavit with the Civil and Magistrate Court.

The affidavit states:

- The name of the landlord,
- The name of the tenant,
- The reason the tenant is being removed,
- Verifies that the landlord has demanded possession of the property and has been refused
- The amount of rent or other money owed, if any.

After the landlord files the dispossessory affidavit, it must legally be delivered to the tenant. The Marshal's Office will see that the tenant is served, in one of the following:

- Delivered personally to the tenant,
- Delivered to a competent adult who resides in the unit, or
- Tacked to the door of the home and on the same day sent by first class mail to the tenant's address.

Once a dispossess has been served at the residence, the tenant has seven days to file an answer with the Clerk of Court. If the tenant does not file a response, or does not prove their case in court, a writ of eviction will be granted and forwarded to the Marshal's Office and a representative will contact the landlord to schedule the eviction.

Once the date and time are confirmed a final notice will be placed on the front door of the residence at least 24 hours prior to the eviction date.



ON EVICTION DAY

At least two people per bedroom are required for a residential eviction, to complete the eviction in 1 hour.

A deputy with the Marshal's Office will arrive and conduct a safety sweep of the residence to give the landlord permission to being the eviction.

Deputies will not assist in the physical removal of property.

When all of the tenant's property has been removed, the eviction is complete and a notice will be posted on the front door.

IF THE TENANT IS PRESENT, the landlord must allow them to remove their property from the premise.

IF THE TENANT IS NOT PRESENT, the items removed are considered abandoned property under O.C.G.A. 44-7-55 and immediate disposal is the responsibility of the landlord.

Vehicles left on the property can be removed by a towing company at the landlord's expense.

IF THE ITEMS FROM THE EVICTION ARE NOT REMOVED WITHIN 24 HOURS, the landlord may be issued a citation in accordance with the ordinances of Richmond County.

TENANT FAQ

Once a tenant is served with a dispossessory affidavit, what should they do?

- The tenant should file an answer with the court clerk, either orally or in writing, within seven days from the date of being served the writ of eviction.

The dispossessory warrant requires a tenant to file an answer. What is an answer?

- The answer is the tenant's opportunity to state why they feel the landlord is not legally entitled to issue an eviction.

A tenant does not have the money to pay rent. The landlord says the furniture will be placed on the street if the rent is not paid by the due date. Can the landlord do this?

- Yes, the landlord can put a tenant's possessions on the street with a court order.

A landlord removed all a tenant's possessions and changed the locks. They did not give any warning or go through the courts for the eviction. What can the tenant do?

- Self help evictions are illegal in Georgia. A lawsuit may be filed against the landlord for any damages suffered due to the wrongful conduct.

A tenant received a dispossessory affidavit for failure to pay rent. The tenant now has the money to pay, what should they do?

- The tenant may be able to avoid eviction by paying all rent that is due to the landlord, plus court costs. This is called the "tender defense" because the tenant tenders the rent owed to the landlord.