



## ***Landlords Subject to Premises Liability Claims Under Gang Act Pursuant to New Court of Appeals Decision***

The Court of Appeals of Georgia recently upheld a trial court's decision to allow claims against a landlord under Georgia's anti-gang statute to proceed, despite the fact that the landlord had no involvement in the underlying gang activity. The case arose out of a 2017 shooting incident during a robbery at an apartment complex. Interpreting the plain and unambiguous language of the Georgia Street Gang Terrorism and Prevention Act (GSGTPA), O.C.G.A. § 16-15-1 et seq., the Court of Appeals concluded that whether a claim against a landlord for treble damages in gang-related premises liability claims is proper is a matter for jury determination. The language at issue allows for causes of action by "any person who is injured by reason of criminal gang activity" and further permits those bringing such suits to seek treble damages. This will no doubt be unwelcome news to many in the residential rental business.

The opinion appears to allow cases alleging violations of GSGTPA to go to juries around the state, even if the landlord neither participated in the gang activity directly nor had knowledge regarding the activity. The concurrence of the opinion noted this may be an undesirable — perhaps even absurd — result, but the court appeared to be hamstrung due to the wording of the statute. Unless this case is taken up by the Supreme Court of Georgia, this will end years of litigation — and varying results — in trial courts around the state involving whether such claims against landlords were proper.

*If you wish to further discuss this case or have any questions, please contact a Swift, Currie, McGhee & Hiers attorney at 404.874.8800 or via our website, [www.swiftcurrie.com](http://www.swiftcurrie.com).*

*The foregoing is not intended to be a comprehensive analysis of the full effect of these changes. Nothing in this notice should be construed as legal advice. This document is intended only to notify our clients and other interested parties about important recent developments. Every effort has been made to ascertain the accuracy of the information contained within this notice.*

