

SB 263

THE STATE SENATE
Monday, February 10, 2003

Senate Bill No. 263
As Amended

SENATE BILL NO. 263 - By: LEFTWICH of the Senate and MILLER (Doug) of the House.

An Act relating to landlord and tenant; amending 41 O.S. 2001, Section 102, which relates to definitions; modifying definitions; and **declaring an emergency.**

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 41 O.S. 2001, Section 102, is amended to read as follows:

Section 102. Unless the context otherwise requires:

1. "Building and housing codes" ~~include~~ means any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit;

2. "Deposit" ~~includes~~ means any money or other property required by a landlord from a tenant as a security and which is to be returned to the tenant upon termination of the rental agreement, less any deductions properly made and allowed by this act;

3. "Dwelling unit" means a structure, or that part of a structure, which is used as a home, residence or sleeping place by one or more persons, and includes any site, space or lot leased to the owner or resident of a manufactured or mobile home;

1 4. "Good faith" means honesty in fact in the conduct of the
2 transaction concerned;

3 5. "Landlord" means the owner, lessor or sublessor of the
4 dwelling unit or the building of which it is a part, manufactured or
5 mobile home site, space or lot, and it also means a manager of the
6 premises who fails to comply with the disclosure provisions of
7 Section ~~16~~ 116 of this ~~act~~ title;

8 6. "Occupant" means any person who abides within a dwelling
9 unit, or any person who owns or occupies a manufactured or mobile
10 home, but who is not a tenant or an unemancipated minor child of a
11 tenant, and who is not legally obligated by the terms of a rental
12 agreement;

13 7. "Organization" ~~includes~~ means a corporation, government,
14 governmental subdivision or agency, business trust, estate, trust,
15 partnership or association, two or more persons having a joint or
16 common interest and any other legal or commercial entity;

17 8. "Owner" means one or more persons, jointly or severally, in
18 whom is vested:

- 19 a. all or any part of the legal title to the property, or
20 b. all or part of the beneficial ownership and a right to
21 present use and enjoyment of the property, and such
22 term includes a mortgagee in possession;

23 9. "Person" ~~includes~~ means an individual or organization;

1 10. "Premises" means a dwelling unit and the structure of which
2 it is a part, the facilities and appurtenances therein, the site,
3 space or lot leased to the owner or resident of a mobile or
4 manufactured home, and the grounds, areas and facilities held out
5 for the use of the tenant generally or the use of which is promised
6 to the tenant;

7 11. "Rent" means all payments, except deposits and damages, to
8 be made to the landlord under the rental agreement;

9 12. "Rental agreement" means all agreements and valid rules and
10 regulations adopted under Section ~~26~~ 126 of this ~~act~~ title, which
11 establish, embody or modify the terms and conditions concerning the
12 use and occupancy of a dwelling unit and premises;

13 13. "Roomer" or "boarder" ~~is~~ means a tenant occupying a
14 dwelling unit:

15 a. which lacks at least one major bathroom or kitchen
16 facility, such as a toilet, refrigerator or stove,

17 b. in a building

18 (1) where one or more of such major facilities are
19 supplied to be used in common by the occupants of
20 the roomer or boarder's dwelling unit and one or
21 more other dwelling units, and

22 (2) in which the landlord resides;

1 14. "Single-family residence" means a structure used and
2 maintained as a single dwelling unit. A dwelling unit, including
3 those with common walls, shall be deemed a single-family residence
4 if it has direct access to a street or thoroughfare and shares
5 neither heating facilities, hot water equipment, nor any other
6 essential facility or service with any other dwelling unit; and

7 15. "Tenant" means any person entitled under a rental agreement
8 to occupy a dwelling unit.

9 SECTION 2. **It being immediately necessary for the preservation**
10 **of the public peace, health and safety, an emergency is hereby**
11 **declared to exist, by reason whereof this act shall take effect and**
12 **be in full force from and after its passage and approval.**

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-4-03 - DO PASS,
14 As Amended and Coauthored.