

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2754

By: Thompson

COMMITTEE SUBSTITUTE

An Act relating to landlord and tenant; enacting the Property Rights Protection Act; amending 41 O.S. 2001, Section 126, which relates to the Residential Landlord and Tenant Act; providing method of adopting a rule or regulation after entering a rental agreement upon the occurrence of a certain event; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Property Rights Protection Act".

SECTION 2. AMENDATORY 41 O.S. 2001, Section 126, is amended to read as follows:

Section 126. A. A landlord, from time to time, may adopt a rule or regulation, however described, concerning the tenant's use and occupancy of the premises. Such a rule or regulation is enforceable against the tenant only if:

1. Its purpose is to promote the convenience, peace, safety or welfare of the tenants in the premises, preserve the ~~landlord's~~ property of the landlord from abusive use, or make a fair distribution of services and facilities held out for the tenants generally; and

2. It is reasonably related to the purpose for which it is adopted; and

3. It applies to all tenants in the premises in a fair manner;
and

4. It is sufficiently explicit in its prohibition, direction or limitation of the ~~tenant's~~ conduct of the tenant to fairly inform the tenant what such tenant must or must not do to comply; and

5. It is not for the purpose of evading the obligations of the landlord; and

6. The tenant has notice of it at the time such tenant enters into the rental agreement, or when it is adopted.

B. If a rule or regulation is adopted after the tenant enters into the rental agreement and that rule or regulation works a substantial modification of ~~such tenant's~~ the bargain of the tenant, the rule or regulation so adopted is not valid and enforceable against the tenant unless ~~he~~ the tenant consents to it in writing, except as provided in subsection C of this section.

C. If there is a change to a constitutional provision or statute of this state subsequent to entering the rental agreement that a landlord believes is related to promoting the convenience, peace, safety or welfare of the tenants and for preserving the property of the landlord, then the landlord may adopt a rule or regulation in reference to the change in the constitutional provision or statute as part of the terms of the existing rental agreement, as long as the landlord gives the tenant(s) a thirty-day written notice and a copy of the rule or regulation. The tenant(s) shall return a written response to the landlord within ten (10) days after the expiration of the thirty-day written notice stating the acceptance or rejection of the rule or regulation. If the landlord receives a rejection, the rental agreement may be terminated without penalty.

SECTION 3. This act shall become effective November 1, 2006.

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