

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1772

By: Thompson

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7 COMMITTEE SUBSTITUTE

8 An Act relating to landlord and tenant; enacting the
9 Property Rights Protection Act; amending 41 O.S.
10 2001, Section 126, which relates to the Residential
11 Landlord and Tenant Act; providing method of adopting
12 a rule or regulation after entering a rental
13 agreement upon the occurrence of a certain event;
14 providing for notice to tenants; requiring written
15 response by the tenant; providing effect of failure
16 of tenant to respond; providing for termination of
17 rental agreement if landlord receives a rejection;
18 providing for noncodification; and providing an
19 effective date.

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

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

23 This act shall be known and may be cited as the "Property Rights
24 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

1 and occupancy of the premises. Such a rule or regulation is
2 enforceable against the tenant only if:

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

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

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

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

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

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

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

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1 C. If there is a change to a constitutional provision or
2 statute of this state subsequent to entering the rental agreement
3 that a landlord believes is related to promoting the convenience,
4 peace, safety or welfare of the tenants and for preserving the
5 property of the landlord, then the landlord may adopt a rule or
6 regulation in reference to the change in the constitutional
7 provision or statute as part of the terms of the existing rental
8 agreement, as long as the landlord gives each tenant a thirty-day
9 written notice and a copy of the rule or regulation. Each tenant
10 shall return a written response to the landlord within ten (10) days
11 after the expiration of the thirty-day written notice stating the
12 acceptance or rejection of the rule or regulation. If no response
13 is given by the tenant within the ten-day period, the tenant's
14 failure to respond shall be interpreted to be acceptance of the
15 proposed rule or regulation. If the landlord receives a rejection,
16 the rental agreement may be terminated without penalty.

17 SECTION 3. This act shall become effective November 1, 2007.

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19 51-1-7345 GRS 02/22/07

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