

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB2534
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Author:	Representative Stiles
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Research Analysis

In forcible entry and detainer actions, the committee substitute for HB 2534 requires the defendant to file a written answer within three days after service of a summons where the court clerk will subsequently set a trial date three to seven days from the date the answer is filed. If not answered in three days, the measure mandates judgment and restitution for the plaintiff.

The measure provides that service of process by posting of the summons and mailing summons to the defendant's last known address will be effective at the time of posting.

The measure authorizes an entry and detainer action, instead of an ejectment action, in cases where there is an asserted breach of lease or termination of lease where defendant claims an interest in the property. In cases where the defendant wishes to assert title to the land, the measure removes the affidavit option and provision that the defendant is not required to answer prior to trial.

In a judgment for the plaintiff, the measure requires the court to immediately issue a writ of restitution instead of a writ of execution which will not be subject to certain postjudgment court costs.

The measure modifies notification requirements to include service by private process servers. The time limit for a supersedeas bond may not be enlarged beyond five, instead of seven, days.

When the total recovery sought does not exceed the jurisdictional amount for the small claims court, the measure makes assignment to the small claims docket permissive instead of mandatory and removes the requirement that court clerks assist plaintiffs. The measure exempts uncontested forcible entry and detainer cases from the attorney fee limitation.

If a tenant remains in possession of a premises after proper notice, the measure makes recovery of certain amounts due mandatory instead of permissive. The measure removes the certified mailing requirement if notice is posted. And upon termination of the tenancy and application of security deposit to damages, the measure modifies mailing requirements of itemized statements to permit mailing to the last known address of the tenant.

In order to assert certain rights under the Oklahoma Residential Landlord Tenant Act, the measure requires the tenant to be in full compliance with all obligations to the landlord. The measure limits the landlords responsibility to maintain or store dangerous items if the tenant leaves the dwelling. The measure permits delivery of written notice of demand for payment and provides the landlord will be entitled to certain actual and statutory damages.

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Fiscal Analysis

The CS for HB2534 has no significant fiscal impact on state revenues.

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Other Considerations

None