

1 ENGROSSED HOUSE
2 BILL NO. 2399

By: Mize of the House

3 and

4 Pugh of the Senate
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7 An Act relating to landlord rights; providing for
8 rights of certain real property owners with respect
9 to assets acquired or improved in connection with
10 federal or state income tax credits; authorizing
11 landlord to enter into lease transaction; authorizing
12 landlord to decline lease transaction based on
conviction of certain felony offenses; providing for
effect of statutory provisions on administrative
rules; providing for applicability of provisions to
lease transactions; providing for codification; and
declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 201 of Title 41, unless there is
18 created a duplication in numbering, reads as follows:

19 A. The owner of any real property, including any improvements
20 consisting of dwelling units, acquired or improved in connection
21 with an allocation of income tax credits pursuant to the provisions
22 of Section 42 of the Internal Revenue Code of 1986, as amended, or
23 in connection with an allocation of income tax credits pursuant to
24 the provisions of Section 2357.403 of Title 68 of the Oklahoma

1 Statutes shall have the right to impose conditions in any lease
2 agreement for the occupancy of any dwelling located on real property
3 as described by this section which allow the owner to accept or
4 decline to enter into the lease agreement, or to terminate a
5 previously executed lease agreement based upon the discovery of
6 incomplete or false information, with respect to the prior felony
7 conviction of any person identified as a tenant pursuant to the
8 terms of the lease agreement, including occupants of the dwelling
9 whether or not those occupants formally execute a lease agreement.

10 B. The owner of real property as described in subsection A of
11 this section may either accept or decline to enter into a lease
12 agreement or to terminate a previously executed lease agreement
13 based upon felony convictions, whether pursuant to federal law or
14 the laws of any state or other governmental jurisdiction, for the
15 following types of offenses:

- 16 1. Possession of any drug or chemical;
- 17 2. Possession of any drug or chemical with intent to
18 manufacture or distribute;
- 19 3. Sex offenses, including but not limited to any form of
20 sexual assault, rape, indecent exposure, or other sexually related
21 offense if such offense was a felony;
- 22 4. Assault or battery or both if the offense was a felony;
- 23 5. Any felony involving violence against another person; and

1 6. Such other felony offenses as the owner of the real property
2 as described in subsection A of this section includes in the terms
3 of the lease agreement.

4 C. The provisions of this section shall supersede the
5 administrative rule of any state agency, board, commission,
6 department, statewide beneficiary public trust or other entity of
7 state government to the extent of any conflict.

8 D. The provisions of this section shall be applicable with
9 respect to lease transactions occurring on or after the effective
10 date of this act without regard to the construction date of the
11 improvements to real property as described by subsection A of this
12 section.

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

17 Passed the House of Representatives the 13th day of March, 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2019.

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Presiding Officer of the Senate