

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2399

By: Kannady

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8                               COMMITTEE SUBSTITUTE

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

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

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

A.   The owner of any real property, including any improvements  
consisting of dwelling units, acquired or improved in connection  
with an allocation of income tax credits pursuant to the provisions  
of Section 42 of the Internal Revenue Code of 1986, as amended, or

1 in connection with an allocation of income tax credits pursuant to  
2 the provisions of Section 2357.403 of Title 68 of the Oklahoma  
3 Statutes shall have the right to impose conditions in any lease  
4 agreement for the occupancy of any dwelling located on real property  
5 as described by this section which allow the owner to accept or  
6 decline to enter into the lease agreement, or to terminate a  
7 previously executed lease agreement based upon the discovery of  
8 incomplete or false information, with respect to the prior felony  
9 conviction of any person identified as a tenant pursuant to the  
10 terms of the lease agreement, including occupants of the dwelling  
11 whether or not those occupants formally execute a lease agreement.

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

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

1        5. Any felony involving violence against another person; and

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2019 - DO PASS,  
20 As Amended.  
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