

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2393

By: Kannady

AS INTRODUCED

An Act relating to landlord and tenant; amending 41 O.S. 2011, Section 111, as amended by Section 1, Chapter 294, O.S.L. 2016 (41 O.S. Supp. 2018, Section 111), which relates to termination of tenancy; modifying mailing of notice; and providing an effective date.

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

SECTION 1. AMENDATORY 41 O.S. 2011, Section 111, as amended by Section 1, Chapter 294, O.S.L. 2016 (41 O.S. Supp. 2018, Section 111), is amended to read as follows:

Section 111. A. Except as otherwise provided in the Oklahoma Residential Landlord and Tenant Act, when the tenancy is month-to-month or tenancy at will, the landlord or tenant may terminate the tenancy provided the landlord or tenant gives a written notice to the other at least thirty (30) days before the date upon which the termination is to become effective. The thirty-day period to terminate shall begin to run from the date notice to terminate is served as provided in subsection E of this section.

1       B. Except as otherwise provided in the Oklahoma Residential  
2 Landlord and Tenant Act, when the tenancy is less than month-to-  
3 month, the landlord or tenant may terminate the tenancy provided the  
4 landlord or tenant gives to the other a written notice served as  
5 provided in subsection E of this section at least seven (7) days  
6 before the date upon which the termination is to become effective.

7       C. Unless earlier terminated under the provisions of the  
8 Oklahoma Residential Landlord and Tenant Act or unless otherwise  
9 agreed upon, a tenancy for a definite term expires on the ending  
10 date thereof without notice.

11       D. If the tenant remains in possession without the landlord's  
12 consent after the expiration of the term of the rental agreement or  
13 its termination under the Oklahoma Residential Landlord and Tenant  
14 Act, the landlord may immediately bring an action for possession and  
15 damages. If the tenant's holdover is willful and not in good faith  
16 the landlord may also recover an amount not more than twice the  
17 average monthly rental, computed and prorated on a daily basis, for  
18 each month or portion thereof that said tenant remains in  
19 possession. If the landlord consents to the tenant's continued  
20 occupancy, a month-to-month tenancy is thus created, unless the  
21 parties otherwise agree.

22       E. The written notice, required by the Oklahoma Residential  
23 Landlord and Tenant Act, to terminate any tenancy shall be served on  
24 the tenant or landlord personally unless otherwise specified by law.

1 If the tenant cannot be located, service shall be made by delivering  
2 the notice to any family member of such tenant over the age of  
3 twelve (12) years residing with the tenant. If service cannot be  
4 made on the tenant personally or on such family member, notice shall  
5 be posted at a conspicuous place on the dwelling unit of the tenant.  
6 If the notice is posted, a copy of such notice shall be mailed to  
7 the tenant by certified mail or by mailing such notice through the  
8 Firm Mailing Book for Accountable Mail as provided by the United  
9 States Post Office. If service cannot be made on the landlord  
10 personally, the notice shall be mailed to the landlord by certified  
11 mail. For the purpose of this subsection, the word "landlord" shall  
12 mean any person authorized to receive service of process and notice  
13 pursuant to Section 116 of this title.

14 F. The provisions of this section shall not apply to an  
15 occupant who has no rental agreement with the landlord and with whom  
16 the landlord has not consented to creating a tenancy. A landlord  
17 shall have the right to demand that such an occupant vacate the  
18 dwelling unit or the premises or both and shall not be required to  
19 commence eviction proceedings. If the occupant wrongfully fails to  
20 comply within a reasonable time, the occupant shall, upon  
21 conviction, be guilty of a trespass and may be punished by a fine  
22 not to exceed Five Hundred Dollars (\$500.00).  
23  
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SECTION 2. This act shall become effective November 1, 2019.

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