

THE LANDLORD TENANT ACT
PROPOSED CHANGES IN THE LAW

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The legislature is considering many proposed bills that would affect landlord and tenants. Although the legislature has not passed these bills, one may become informed about the potential changes in the law. A summary of each bill is discussed below.

HB 1748. This bill would require landlords of a tenement building or multiple dwelling premises having more than 26 units to provide a 24-hour monitored security system in and about the premises. It would not apply to mobile home parks.

HB 1684. Current law requires a landlord to provide a written list of damages to the tenant within 30 days after the tenant surrenders possession of the premises. This bill would require the landlord to itemize the amount relative to the damages. For example, if a landlord claims the carpet was damaged, the notice would need to state this fact and the amount of damage to the carpet, such as \$200.00.

HB 235. This bill would allow the landlord to obtain an order for possession immediately after the district judge enters a judgment for possession. Currently, the landlord must wait 5 days after the entry of judgment before obtaining an order for possession of the premises. The proposed bill would also require the landlord to file an affidavit after the tenth day of the entry of the judgment, but prior to enforcing the order for possession, that the tenant has not been paid the judgment or appealed the judgment to the County Court. The affidavit would be required only in cases involving delinquent rent.

SB 817. This bill would require a landlord to notify the prospective tenant if the premises had been used for making certain drugs such as LSD or ecstasy. The tenant would be required to acknowledge receipt of the notice before signing the lease, or if it is a verbal lease, before taking possession of the premises. If the landlord fails to provide the notice, the tenant could terminate the lease and the landlord would be subject to a \$1,000.00 civil penalty plus any harm resulting from failure to comply with the law.

HB 810. This bill would allow a tenant who has a mental illness to terminate the lease by providing 30 days' written notice regardless of the lease term. The tenant's agent or court appointed guardian may also give the notice. A physician must certify the mental illness and the certification must be attached to the notice. This bill would not apply to tenants who knew or should have known that they had a mental illness at the time they signed the lease.

SB 906. This bill would establish a procedure to handle the situation where the tenant surrenders possession of the premises but he leaves some or all of his personal property on the premises. Currently, there is no law governing this matter. However, I recommend that a landlord exercise care over the property and notify the tenant before disposing of the property. If this bill is adopted, the landlord would need to provide notice to the tenant. If the tenant failed to comply with the notice, the landlord could keep the property.

Conclusion. All of the above bills are in legislative committees. They could be amended prior to adoption or even withdrawn. If you have an interest in any of the bills, you may contact your state representative or senator. If they become law, tenants and landlords will need to comply with the new requirements.