

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1564

By: Gann of the House

5 and

6 **Stephens** of the Senate

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8
9 AS INTRODUCED

10 An Act relating to landlord and tenant; amending 41
11 O.S. 2011, Section 131, which relates to delinquent
12 rent; prohibiting discretion to extend terms of
13 tenancy; providing for enforcement of right to
possession; authorizing late payment fee; providing
for enforcement of act; and providing an effective
date.

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

18 SECTION 1. AMENDATORY 41 O.S. 2011, Section 131, is
19 amended to read as follows:

20 Section 131. A. If rent is unpaid when due, the landlord may
21 bring an action for recovery of the rent at any time thereafter or
22 the landlord may wait until the expiration of the period allowed for
23 curing a default by the tenant, as prescribed in subsection B of
24 this section, before bringing such action.

1 B. A landlord may terminate a rental agreement for failure to
2 pay rent when due, if the tenant fails to pay the rent within five
3 (5) days after written notice of landlord's demand for payment. The
4 notice may be given before or after the landlord files any action
5 authorized by subsection A of this section. Demand for past due
6 rent is deemed a demand for possession of the premises and no
7 further notice to quit possession need be given by the landlord to
8 the tenant for any purpose.

9 C. The courts shall have no discretion to extend the terms of
10 tenancy and shall grant possession immediately upon entry of
11 judgment. The terms of the rental agreement shall be recognized by
12 the courts in the event that tenant has failed to pay rent in
13 accordance with the rental agreement.

14 D. Upon entry of a judgment for any action brought for forcible
15 entry and detainer, a landlord may immediately apply to the local
16 sheriff for enforcement of the right to possession.

17 E. A rental agreement may provide for a late payment fee to
18 apply in the event of a tenant's failure to pay in accordance with
19 the terms of the rental agreement. Any late payment shall not
20 exceed an amount equal to fifteen percent (15%) of the monthly rent
21 and may be enforced by landlord in an action for unpaid rent or
22 forcible entry and detainer.

23 F. All provisions in the Oklahoma Residential Landlord and
24 Tenant Act shall be enforceable even in event of a catastrophic

1 health emergency as defined by Section 61 of Title 63 of the
2 Oklahoma Statutes.

3 SECTION 2. This act shall become effective November 1, 2021.

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5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
6 02/10/2021 - DO PASS, As Coauthored.
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