

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3238

                                  By: Gann and **Olsen**

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7                                   AS INTRODUCED

8           An Act relating to landlord and tenant; amending 41  
9           O.S. 2021, Section 103, which relates to application  
10          of landlord tenant law; limiting a court's discretion  
11          in enforcing certain agreements; amending 41 O.S.  
12          2021, Section 105, which relates to mitigation of  
13          damages, rights, obligations, remedies, and  
14          enforcement; providing that no order for possession  
15          shall allow for any judgement other than immediate  
16          possession; amending 41 O.S. 2021, Section 131, which  
17          relates to delinquent rent; providing that in an  
18          action for forcible entry or detainer concerning  
19          unpaid rent, immediate possession shall be granted to  
20          landlord; providing an effective date; and declaring  
21          an emergency.

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

23           SECTION 1.           AMENDATORY           41 O.S. 2021, Section 103, is  
24           amended to read as follows:

          Section 103. A. Except as otherwise provided in this act, this  
act applies to, regulates and determines rights, obligations and  
remedies under a rental agreement, wherever made, for a dwelling  
unit located within this state.

1 B. Any agreement, whether written or oral, shall be  
2 unenforceable insofar as said agreement, or any provision thereof,  
3 conflicts with any provision of this act.

4 C. Any agreement that is not in conflict with any provision of  
5 this act shall be enforced by the court. The court may not, in its  
6 discretion, disregard any aspect of any agreement that is not in  
7 conflict with any provision of this act.

8 SECTION 2. AMENDATORY 41 O.S. 2021, Section 105, is  
9 amended to read as follows:

10 Section 105. A. An aggrieved party under the provisions of  
11 this act has a duty to mitigate damages.

12 B. Any right, obligation or remedy declared by this act is  
13 enforceable in any court of appropriate jurisdiction including small  
14 claims court and may be prosecuted as part of an action for forcible  
15 entry or detainer unless the provision declaring it specifies a  
16 different and limited effect. No order for possession shall allow  
17 for any judgement other than immediate possession after entry of a  
18 court's judgment. In any action for breach of a rental agreement or  
19 to enforce any right or obligation provided for in this act, the  
20 prevailing party shall be entitled to reasonable attorneys' fees.

21 SECTION 3. AMENDATORY 41 O.S. 2021, Section 131, is  
22 amended to read as follows:

23 Section 131. A. If rent is unpaid when due, the landlord may  
24 bring an action for recovery of the rent at any time thereafter or

1 the landlord may wait until the expiration of the period allowed for  
2 curing a default by the tenant, as prescribed in subsection B of  
3 this section, before bringing such action.

4 B. A landlord may terminate a rental agreement for failure to  
5 pay rent when due, if the tenant fails to pay the rent within five  
6 (5) days after written notice of landlord's demand for payment. The  
7 notice may be given before or after the landlord files any action  
8 authorized by subsection A of this section. Demand for past due  
9 rent is deemed a demand for possession of the premises and no  
10 further notice to quit possession need be given by the landlord to  
11 the tenant for any purpose. If rent is unpaid and the landlord  
12 files an action for forcible entry or detainer, immediate possession  
13 shall be granted to the landlord. Sufficient notice shall be deemed  
14 given by this subsection.

15 SECTION 4. This act shall become effective July 1, 2022.

16 SECTION 5. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
22 03/02/2022 - DO PASS, As Coauthored.

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