

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1564

By: Gann

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6 AS INTRODUCED

7 An Act relating to landlord and tenant; amending 41
8 O.S. 2011, Section 131, which relates to delinquent
9 rent; prohibiting discretion to extend terms of
10 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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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 B. A landlord may terminate a rental agreement for failure to
22 pay rent when due, if the tenant fails to pay the rent within five
23 (5) days after written notice of landlord's demand for payment. The
24 notice may be given before or after the landlord files any action

1 authorized by subsection A of this section. Demand for past due
2 rent is deemed a demand for possession of the premises and no
3 further notice to quit possession need be given by the landlord to
4 the tenant for any purpose.

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

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

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

19 F. All provisions in the Oklahoma Residential Landlord and
20 Tenant Act shall be enforceable even in event of a catastrophic
21 health emergency as defined by Section 61 of Title 63 of the
22 Oklahoma Statutes.

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

58-1-5107 LRB 12/28/20