

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3095

By: Tedford

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to landlord and tenant; providing for
10 preemption; prohibiting retaliation by a landlord;
11 providing retaliatory actions; provides when an act
12 is not retaliatory; provides remedies for landlord
13 retaliation; providing remedies for landlord when
14 tenant makes invalid retaliation complaint; providing
15 that relation by a landlord is a defense for eviction
16 in certain circumstances; providing for codification;
17 and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 137 of Title 41, unless there is
21 created a duplication in numbering, reads as follows:

22 The regulation of residential tenancies, the landlord-tenant
23 relationship, and all other matters covered under this title are
24 preempted to the state. This title supersedes any local government
regulations on matters covered under this title, including, but not
limited to, the screening process used by a landlord in approving

1 tenancies; security deposits; rental agreement applications and fees
2 associated with such applications; terms and conditions of rental
3 agreements; the rights and responsibilities of the landlord and
4 tenant; disclosures concerning the premises; the dwelling unit; the
5 rental agreement; or the rights and responsibilities of the landlord
6 and tenant; fees charged by the landlord; or notice requirement.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 139 of Title 41, unless there is
9 created a duplication in numbering, reads as follows:

10 A. A landlord may not retaliate against a tenant by taking an
11 action described by subsection B because the tenant:

12 1. In good faith exercises or attempts to exercise against a
13 landlord a right or remedy granted to the tenant by lease, municipal
14 ordinance, or federal or state statute;

15 2. Gives a landlord a notice to repair or exercise a remedy
16 under Title 41 of the Oklahoma Statutes;

17 3. Complains to a governmental entity responsible for enforcing
18 building or housing codes, a public utility, or a civic or nonprofit
19 agency, and the tenant:

20 a. claims a building or housing code violation or utility
21 problem, and

22 b. believes in good faith that the complaint is valid and
23 that the violation or problem occurred; or
24

1 4. Establishes, attempts to establish, or participates in a
2 tenant organization.

3 B. A landlord may not, within six (6) months after the date of
4 the tenant's action under subsection A of this section, retaliate
5 against the tenant by:

6 1. Filing an eviction proceeding, except for legitimate reasons
7 authorized by law;

8 2. Depriving the tenant of the use of the premises, except for
9 reasons authorized by law;

10 3. Decreasing services to the tenant;

11 4. Increasing the tenant's rent or terminating the tenant's
12 lease; or

13 5. Engaging, in bad faith, in a course of conduct that
14 materially interferes with the tenant's rights under the tenant's
15 lease.

16 C. The landlord is not liable for retaliation under this
17 section if the landlord proves that the action was not made for
18 purposes of retaliation, nor is the landlord liable, unless the
19 action violates a prior court order for:

20 1. Increasing rent under an escalation clause in a written
21 lease for utilities, taxes, or insurance; or

22 2. Increasing rent or reducing services as part of a pattern of
23 rent increases or service reductions for an entire multi-dwelling
24 project.

1 D. An eviction or lease termination based on the following
2 circumstances, which are valid grounds for eviction or lease
3 termination in any event, does not constitute retaliation:

4 1. The tenant is delinquent in rent when the landlord gives
5 notice to vacate or files an eviction action;

6 2. The tenant, a member of the tenant's family, or a guest or
7 invitee of the tenant intentionally damages property on the premises
8 or by word or conduct threatens the personal safety of the landlord,
9 the landlord's employees, or another tenant;

10 3. The tenant has materially breached the lease, other than by
11 holding over, by an action such as violating written lease
12 provisions prohibiting serious misconduct or criminal acts, except
13 as provided by this section;

14 4. The tenant holds over after giving notice of termination or
15 intent to vacate;

16 5. The tenant holds over after the landlord gives notice of
17 termination at the end of the rental term and the tenant does not
18 take action until after the landlord gives notice of termination;
19 or

20 6. The tenant holds over and the landlord's notice of
21 termination is motivated by a good faith belief that the tenant, a
22 member of the tenant's family, or a guest or invitee of the tenant
23 might:

- 1 a. adversely affect the quiet enjoyment by other tenants
2 or neighbors,
3 b. materially affect the health or safety of the
4 landlord, other tenants, or neighbors, or
5 c. damage the property of the landlord, other tenants, or
6 neighbors.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 140 of Title 41, unless there is
9 created a duplication in numbering, reads as follows:

10 In addition to other remedies provided by law, if a landlord
11 retaliates against a tenant under this act, the tenant may recover
12 from the landlord a civil penalty of one month's rent plus Five
13 Hundred Dollars (\$500.00), actual damages, court costs, and
14 reasonable attorney's fees in an action for recovery of property
15 damages, moving costs, actual expenses, civil penalties, or
16 declaratory or injunctive relief, less any delinquent rents or other
17 sums for which the tenant is liable to the landlord. If the
18 tenant's rent payment to the landlord is subsidized in whole or in
19 part by a governmental entity, the civil penalty granted under this
20 section shall reflect the fair market rent of the dwelling plus Five
21 Hundred Dollars (\$500.00).

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 141 of Title 41, unless there is
24 created a duplication in numbering, reads as follows:

1 A. If a tenant files or prosecutes a suit for retaliatory
2 action based on a complaint asserted under Section 3 of this act and
3 the government building or housing inspector or utility company
4 representative visits the premises and determines in writing that a
5 violation of a building or housing code does not exist or that a
6 utility problem does not exist, there is a rebuttable presumption
7 that the tenant acted in bad faith.

8 B. If a tenant files or prosecutes a suit under this act in bad
9 faith, the landlord may recover possession of the dwelling unit and
10 may recover from the tenant a civil penalty of one month's rent plus
11 Five Hundred Dollars (\$500.00), court costs, and reasonable attorney
12 fees. If the tenant's rent payment to the landlord is subsidized in
13 whole or in part by a governmental entity, the civil penalty granted
14 under this section shall reflect the fair market rent of the
15 dwelling plus Five Hundred Dollars (\$500.00).

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 142 of Title 41, unless there is
18 created a duplication in numbering, reads as follows:

19 In an eviction suit, retaliation by the landlord under Section 3
20 of this act is a defense and a rent deduction lawfully made by the
21 tenant under this act is a defense for nonpayment of the rent to the
22 extent allowed by this title. Other judicial actions under this
23 title may not be joined with an eviction suit or asserted as a
24 defense or cross-claim in an eviction suit.

SECTION 6. This act shall become effective November 1, 2024.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2024 - DO PASS,
As Amended.