

1 ENGROSSED HOUSE
2 BILL NO. 3095

By: Tedford and Dollens of the
House

3 and

4 Rogers of the Senate
5
6

7 An Act relating to landlord and tenant; providing for
8 preemption; prohibiting retaliation by a landlord;
9 providing retaliatory actions; provides when an act
10 is not retaliatory; provides remedies for landlord
11 retaliation; providing remedies for landlord when
12 tenant makes invalid retaliation complaint; providing
13 for codification; and providing an effective date.

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

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

18 The regulation of residential tenancies, the landlord-tenant
19 relationship, and all other matters covered under this title are
20 preempted to the state. This title supersedes any local government
21 regulations on matters covered under Title 41 of the Oklahoma
22 Statutes, including, but not limited to, the screening process used
23 by a landlord in approving tenancies; security deposits; rental
24 agreement applications and fees associated with such applications;
terms and conditions of rental agreements; the rights and

1 responsibilities of the landlord and tenant; disclosures concerning
2 the premises; the dwelling unit; the rental agreement; or the rights
3 and responsibilities of the landlord and tenant; fees charged by the
4 landlord; or notice requirement.

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

8 A. A landlord may not retaliate against a tenant by taking an
9 action described by subsection B of this section because the tenant:

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

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

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

18 a. claims a building or housing code violation or utility
19 problem,

20 b. believes in good faith that the complaint is valid and
21 that the violation or problem occurred, and

22 c. has notified the landlord who has not remedied the
23 code violation in a reasonable time.

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1 B. A landlord may not, within sixty (60) days after the date of
2 the tenant's action under subsection A of this section, retaliate
3 against the tenant by:

4 1. Filing an eviction proceeding, except for legitimate reasons
5 authorized by law;

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

8 3. Increasing the tenant's rent or terminating the tenant's
9 lease; or

10 4. Engaging, in bad faith, in a course of conduct that
11 materially interferes with the tenant's rights under the tenant's
12 lease.

13 C. The landlord is not liable for retaliation under this
14 section if the action was not made for purposes of retaliation, nor
15 is the landlord liable, unless the action violates a prior court
16 order for:

17 1. Increasing rent under an escalation clause in a written
18 lease; or

19 2. Increasing rent or reducing services as part of a pattern of
20 rent increases or service reductions.

21 D. An eviction or lease termination based on the following
22 circumstances, which are valid grounds for eviction or lease
23 termination in any event, does not constitute retaliation:
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1 1. The tenant is delinquent in rent when the landlord gives
2 notice to vacate or files an eviction action;

3 2. The tenant, a member of the tenant's family, the tenant's
4 animal or pet, or another persons animal or pet on the premises with
5 the tenant's consent intentionally damages property on the premises
6 or by word or conduct threatens the personal safety of the landlord,
7 the landlord's employees, agents, or another tenant;

8 3. The tenant has breached the lease, other than by holding
9 over, except as provided by this section;

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

12 5. The tenant holds over after the landlord gives notice of
13 termination effective at the end of the rental term;

14 6. The tenant holds over and the landlord's notice of
15 termination is motivated by a good faith belief that the tenant or a
16 member of the tenant's family, the tenant's animal or pet, or
17 another persons animal or pet on the premises with the tenant's
18 consent might:

19 a. adversely affect the quiet enjoyment by other tenants
20 or neighbors,

21 b. materially affect the health or safety of the
22 landlord, other tenants, or neighbors, or

23 c. damage the property of the landlord, other tenants, or
24 neighbors; or

1 7. Any other reason authorized by the Oklahoma Residential
2 Landlord and Tenant Act or the lease agreement.

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

6 In addition to other remedies provided by law, if a landlord
7 retaliates against a tenant under this act, the tenant may recover
8 from the landlord a civil penalty of one (1) month's rent plus Five
9 Hundred Dollars (\$500.00), actual damages, court costs, and actual
10 and reasonable attorney fees, less any delinquent rents or other
11 sums for which the tenant is liable to the landlord. If the
12 tenant's rent payment to the landlord is subsidized in whole or in
13 part by a governmental entity, the civil penalty granted under this
14 section shall reflect the fair market rent of the dwelling plus Five
15 Hundred Dollars (\$500.00).

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

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

3 B. If a tenant files or prosecutes a suit under this act in bad
4 faith, the landlord may recover possession of the dwelling unit and
5 may recover from the tenant a civil penalty of one (1) month's rent
6 plus Five Hundred Dollars (\$500.00), court costs, and actual and
7 reasonable attorney fees. If the tenant's rent payment to the
8 landlord is subsidized in whole or in part by a governmental entity,
9 the civil penalty granted under this section shall reflect the fair
10 market rent of the dwelling plus Five Hundred Dollars (\$500.00).

11 SECTION 5. This act shall become effective November 1, 2024.

12 Passed the House of Representatives the 13th day of March, 2024.

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14 _____
15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ____ day of _____, 2024.

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20 Presiding Officer of the Senate
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