

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 687

By: Boren

AS INTRODUCED

An Act relating to landlord and tenant; amending 12 O.S. 2021, Section 1823, which relates to referral to mediation; authorizing district court to refer eviction cases to mediation; updating statutory reference; prohibiting landlord recovery of rental dwelling under certain circumstances; establishing procedures for certain complaints; authorizing recovery of property in certain circumstances; establishing liability for certain violations; requiring maintenance of list of certain code violations by certain municipalities; specifying information to be included on certain list; requiring publication of list on website; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1823, is amended to read as follows:

Section 1823. Any district court, by agreement of the parties, may refer any civil case, including any domestic relations case, any eviction case, or any portion thereof for mediation. A referral to mediation may be made at any time while a civil case is pending. The order of referral to mediation shall be entered on a standard

1 form consistent with the form provided in subsection D of Section 5  
2 1825 of this ~~act~~ title.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 137 of Title 41, unless there is  
5 created a duplication in numbering, reads as follows:

6 A. If a landlord retaliates against a tenant because the tenant  
7 exercised the tenant's rights granted by law or because of the  
8 tenant's complaint to an appropriate agency as to ability of a  
9 dwelling, and if the tenant is not in default as to the payment of  
10 rent, the landlord may not recover possession of a dwelling in any  
11 action or proceeding, cause the tenant to quit involuntarily,  
12 increase the rent, or decrease any services offered by the landlord  
13 within one hundred and eighty (180) days of any of the circumstances  
14 described in paragraphs 1 through 5 of this subsection. In each  
15 instance, the one hundred and eighty (180) day period shall run from  
16 the latest applicable date:

17 1. After the date upon which the tenant, in good faith, has  
18 given notice of a suspected bed bug infestation, has made a  
19 complaint, orally or in writing in either a physical or electronic  
20 format, to the landlord regarding tenantability, or has requested  
21 orally or in writing the landlord make a repair to an item for which  
22 the landlord is responsible;

23 2. After the date upon which the tenant, in good faith, has  
24 filed a written complaint either physically or in an electronic  
25

1 format, or an oral complaint which is registered or otherwise  
2 recorded in writing, with an appropriate agency, of which the  
3 landlord has notice, for the purpose of obtaining correction of a  
4 condition relating to tenantability;

5 3. After the date of an inspection or issuance of a citation  
6 resulting from a complaint described in paragraph 2 of this  
7 subsection of which the landlord did not have notice;

8 4. After the filing of appropriate documents commencing a  
9 judicial or arbitration proceeding involving the issue of  
10 tenantability; or

11 5. After entry of judgment or the signing of an arbitration  
12 award, if any, when in the judicial proceeding or arbitration the  
13 issue of tenantability is determined adversely to the landlord.

14 B. A tenant may not invoke the provisions of subsection A of  
15 this section more than once in any twelve-month period.

16 C. Notwithstanding subsection A of this section, a landlord may  
17 recover possession of a dwelling and perform any of the other acts  
18 described in subsection A of this section within the period  
19 prescribed therein, if the notice of termination, rent increase, or  
20 other act, and any pleading or statement of issues in an  
21 arbitration, if any, states the ground upon which the landlord, in  
22 good faith, seeks to recover possession, increase rent, or perform  
23 any other acts described in subsection A of this section.

1 D. Any landlord or agent of a landlord who violates the  
2 provisions of this section shall be liable to the tenant in a civil  
3 action for:

4 1. Actual damages sustained by the tenant;

5 2. Punitive damages in an amount not less than One Hundred  
6 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) for  
7 each retaliatory act where the landlord or landlord's agent has been  
8 guilty of fraud, oppression, or malice with respect to such act; and

9 3. Court costs and reasonable attorney fees.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 138 of Title 41, unless there is  
12 created a duplication in numbering, reads as follows:

13 Any municipality with more than one hundred thousand (100,000)  
14 residents according to the latest decennial census shall maintain a  
15 list of code violations for rental properties within the  
16 municipality limits. The list shall include the name of the  
17 property owner, the date of the code violation, the specific  
18 municipal code violated, and any fine or penalty issued to the  
19 property owner. The list shall be maintained on the municipality's  
20 website and made available to the public.

21 SECTION 4. This act shall become effective November 1, 2023.

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