

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

691S0482

HOUSE BILL NO. 1219

Introduced by: Representatives Stricherz, Elliott, Jensen, Killer, Magstadt, Nelson (Stace),
Tornow, and Willadsen and Senator Lederman

1 FOR AN ACT ENTITLED, An Act to extend certain protections against precipitous eviction
2 to certain long-term tenants at will.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-8-8 be amended to read as follows:

5 43-8-8. A tenancy or other estate at will, however created, may be terminated by the
6 landlord's giving notice to the tenant in the manner prescribed by § 43-8-9 to remove from the
7 premises within a period, specified in the notice, of not less than one month. However, if the
8 tenancy at will is the residence of the tenant and the resident has resided at that residence for
9 twenty-four months or more, the tenant is entitled to two months' notice in the manner
10 prescribed by § 43-8-9 unless:

11 (1) The tenant has engaged in sustained conduct that is either disruptive to other
12 residents or neighbors, illegal, destructive, or negligent toward the maintenance of
13 the property, or constitutes a material breach in the implied lease conditions; or

14 (2) The landlord has sold the property or the property has passed to the landlord's estate.

15 Section 2. That chapter 43-8 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 Notwithstanding the provisions of section 1 of this Act, if the tenancy at will is the residence
3 of a tenant who is on active military service or if a person on active military service is an
4 immediate family member of the tenant, the tenant is entitled to ninety days notice in the manner
5 prescribed in § 43-8-9.