



2024 South Dakota Legislature
Senate Bill 89
ENROLLED

AN ACT

ENTITLED An Act to reduce the notice requirement period to terminate a tenancy at will.

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

Section 1. That § 43-8-8 be AMENDED:

43-8-8. A tenancy or other estate at will for a residential property, however created, may be terminated by the landlord giving notice to the tenant in the manner prescribed by § 43-8-9 to remove from the premises within a period, specified in the notice, of not less than fifteen days. However, if the tenancy at will is the residence of a tenant who is on active military service or if a person on active military service is an immediate family member of the tenant, the tenant is entitled to two months' notice in the manner prescribed by § 43-8-9 unless:

- (1) The tenant has engaged in sustained conduct that is either disruptive to other residents or neighbors, illegal, destructive, negligent toward the maintenance of the property, or constitutes a material breach in the implied lease conditions; or
- (2) The landlord has sold the property or the property has passed to the landlord's estate.

For the purposes of this section, an immediate family member is a spouse or minor child.

Section 2. That a NEW SECTION be added to chapter 43-8:

A tenancy or other estate at will for a commercial property, however created, may be terminated by the landlord giving notice to the tenant in the manner prescribed by § 43-8-9 to remove from the premises within a period, specified in the notice, of not less than one month.

An Act to reduce the notice requirement period to terminate a tenancy at will.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 89

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 89
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State