

TO: Uniform Law Commission Committee of the Whole

FROM: Joan Zeldon, Drafting Committee Chair, Sheldon Kurtz, Reporter,  
Alice Noble-Allgire, Reporter

Date: May 25, 2014

This is the second reading of the Revised Uniform Residential Landlord and Tenant Act (RURLTA). Because of its length and complexity, this Act will not be proposed for enactment at the July 2014 meeting.

To summarize what was explained to the Body of the Whole last year, new sections have been added to the draft revised act which cover (1) security deposits, (2) protections for victims of domestic violence, sexual assault or stalking, (3) death of a tenant, and (4) a process for handling a tenant's personal property left behind after eviction or the departure of the tenant. The draft revised act also makes substantial revisions to the warranty of habitability, tenant remedies, tenant duties, safe harbors for landlords after a tenant abandons the property before the lease terminates, retaliatory conduct, and required disclosures by landlords prior to entering into a lease with a tenant.

The Drafting Committee reviewed and discussed all of the comments and suggestions made by commissioners at the 2013 annual meeting as well as suggestions from advisors, observers and other interested persons who contacted us. We eliminated the article on assignments and subleases because of our concern about enactability, given the length of this Act. We also put all of the provisions on attorneys' fees in one place, Section 205. We restored the Act's original exclusion for university housing in Section 103, and we put all of the domestic violence provisions in one freestanding article, Article 11.

We will start with a reading of the sections that were not read to the Committee of the Whole at the 2013 meeting. This will be a first reading for Article 12 (Security Deposits, Fees, and Unearned Rent) and related definitions in sections 102 (28), (30), (31), (32), and (41). The Drafting Committee has had extensive dialogue and assistance with Article 12 from Commissioner Bill Henning, Neil Cohen, Director of Research for the Permanent Editorial Board for the Uniform Commercial Code, and Steven L. Harris, Reporter for the Standby Committee on Uniform Commercial Code Article 9. On behalf of the Drafting Committee we thank them for their time and commitment to help us with the drafting of this article.

This will also be a first reading for Article 6 (Landlord Remedies), Article 7 (Access), Article 9 (Retaliation), and Section 205 (attorney fees).

Following the first reading for Articles 6, 7, and 9 and Section 205, the Drafting Committee, as time permits, will read provisions that were revised after input from

the Committee of the Whole last year, including Article 11 (Effect of Domestic Violence), Section 302 (Landlord's Duty to Maintain), Section 401 (Tenant's Duties), and Article 10 (Disposition of Personal Property).

We look forward to further input from the Floor and thank you in advance for your suggestions.