

AGENDA for RURALTA Meeting Feb. 15-17, 2013

I. Report on Work Done on Act by John Sebert and Style

II. Report on What Changes we are making in the Act as a Result of Style Suggestions

- A. Fix the problem our draft has blocking tenants' rights arising out of what the landlord's person did on the premises after the tenant consented to the presence of that person on the premises. See Secs. 503(d), 504(b), and 802(b).
- B. Fix for Record Notice (ask Shelley to read his new paragraph)
- C. Add definition of "dormitory" now in the Comment
- D. Add exemption for institutions providing mental health and disability services to Sec. 103(b)
- E. Remove 105 from the Act unless someone wants it
- F. Delete "written" and add to the word "lease" "in a record" throughout 202
- G. In Sec. 204, delete "other" which is the next to last word and add to the last word "laws" "of this State other than this Act."

III. Policy Issues

- A. Whether to include or strike the various attorneys' fees provisions in the Act
- B. Are a number of sections presently in the Act "necessary"? (Secs. 104 (Style), 107, 402, 404 (second sentence), 503, 509(e), 510(d), 601(a)(2), and 603(b))
- C. Whether to include Assignments & Subleases provision in Act (voted down during last meeting)
- D. Your Choices Among Alternatives presented in the **definitions** section on diminution in value, domestic violence, fair rental value, stalking and fair rental
- E. Your choice of alternatives presented in 508*(d)
- F. Damages authorized by this Act (See Secs. 203(b), 502(b), 508(f), and 702)
We describe damages differently; we sometimes say actual damages. What do we mean? Should the same policy apply throughout the Act? Also, in sec. 503(a)(2) Style suggests we add "recover actual damages and" at end of line 21. Is that something we want to do?
- G. Responsibilities under our Act of a manager – Is it only to disclose the owner, and other disclosure requirements? (See Secs. 102(18) and 301(b)(c) and (d)).
- H. Should there be any carve out for an Act of God in Sec. 504?
- I. Is it sound policy to excuse a tenant because of the bad advice of a lawyer? (Sec. 505(f)) This is an attorneys' fees question.
- J. Can we take "dating violence" out of the definitions of "victim advocate" and "victim services provider"?
- K. What is our standard for a landlord's disposition of property in Sec. 1001(g)?
- L. Do you object to deletion of bracketed language in Sec. 103(b)(b)(5)?
- M. Choose between alternatives to be presented for Sec. 301(b)

- N. Do we want to require a tenant denied actual possession to give the landlord 5 days notice before termination or do we want to allow the landlord to terminate the lease without prior notice? Sec. 502(a)
- O. Do we want to require a landlord's reasonable efforts to include more than the list provided in Sec. 604(a)? The draft allows a landlord to do only one of the "reasonable efforts" enumerated. Shall we require more?

II. Sections to be Read: Article 9 (provided to Committee separate from draft Act) and the remaining sections of the Act which we did not read at the last meeting (Secs. 602 et seq.)