

Revised Uniform Residential Landlord and Tenant Act:

Introductory Remarks by Chair

On July 11, 2011 the Executive Committee approved the appointment of a Drafting Committee to revise the entire Uniform Residential Landlord and Tenant Act (1972). The Drafting Committee began its work on March 9, 2012. It did not start with a “clean slate.” The Act, in whole or in part, already was the law of twenty-six states.

This is the third and final reading of the proposed 2015 Act. The Drafting Committee has adopted many suggestions made by commissioners as well as changes requested by stakeholders representing landlords, tenants and the domestic violence community.

Significant changes have been made to the Act during the last year and one half. They include: (1) Article 1, Section 103 (c)(9) & (10) (exempted from the Act vacation rentals and the leasing of real property to another person who owns a manufactured or mobile home situated on the real property); (2) Article 4, Section 404 (added a new provision addressing circumstances beyond a landlord’s control); (3) Article 9, Section 902 “Tenant Remedies for Retaliatory Conduct” (eliminated the “dominant purpose” language); (4) Article 9, Section 903(c) (gave the states a choice in the standard for rebutting the presumption of retaliatory conduct); and (5) Article 10, Section 1001 “Disposition of Tenant Personal Property on Premises” (eliminated application of this section to landlords who obtain judgments of possession, unless the landlord elects to comply in which case the landlord is not liable to the tenant or another person for a claim arising from removal of property from the premises). I believe we have adequately addressed the major concerns of the stakeholders in Article 11, including the definition of domestic violence. Finally, we added an Appendix to assist jurisdictions that want to enact some but not all of the Act. We welcome comments from the floor about these changes and any other provisions of the Act.

We have been allocated only four hours of floor time. Consequently, with the permission of the Executive Committee, we will not read the following boilerplate or noncontroversial sections: 101, 104, 105, 106, 110, 603, 605 and Article 13. The reporters have advised that these sections do not make any substantive changes to the 1972 Act.

Also with the approval of the Executive Committee, we will not read for a second time Section 102 (Definitions) with the exception of paragraph 17 (defining “law”), which was added to this Act following a recommendation from the Style Committee. While new to this Act, paragraph 17 replicates language already approved by the Conference in section 1 (4) of the Uniform Marketable Title Act. The Executive Committee will decide in July 2015 whether to waive the reading of paragraph 17.

Even though we will not read all or most of Section 102 (Definitions), we invite any commissioner who has an issue or question concerning a definition to bring it up during the floor discussion of the Act when the word is used in a section that is being read.

Also with approval by the Executive Committee, we will not read Article 12 (Security Deposits) for a second time. Article 12 has been scrutinized carefully and redrafted many times with the

help of Commissioner William Henning, American Law Institute Advisor Steven L. Harris and Neil Cohen, Observer and Research Director of the Permanent Editorial Board for the Uniform Commercial Code. Even though we will not read Article 12, the chair will ask commissioners during the discussion of the Act whether any commissioner has a question or comment on article 12. We can discuss Article 12 if necessary without first reading it.

We wanted to advise commissioners in advance about how we will proceed when the Act is read for consideration by the Body of the Whole at the annual meeting so that no one is unfairly surprised, and there will be time for individual commissioners to plan what they want to say during floor discussion of this Act.