

By: Representatives Bozeman, Banks, Evans,  
Flaggs, Green (96th), Middleton, Perkins,  
Robinson (63rd), Straughter, Wallace

To: Judiciary A

HOUSE BILL NO. 1149

1 AN ACT TO AMEND SECTION 89-8-11, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT LATE PAYMENT CHARGES FOR RENT PAYMENTS SHALL NOT  
3 EXCEED FOUR PERCENT; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 89-8-11, Mississippi Code of 1972, is  
6 amended as follows:

7 89-8-11. (1) A landlord may, from time to time, adopt rules  
8 or regulations, however described, concerning the tenant's use and  
9 occupancy of the premises. They are enforceable against the  
10 tenant only if:

11 (a) Their purpose is to promote the convenience, safety  
12 or welfare of the tenants in the premises, preserve the landlord's  
13 property from abuse, or make a fair distribution of services and  
14 facilities provided for the tenants generally;

15 (b) They are reasonably related to the purpose for  
16 which they are adopted;

17 (c) They apply to all tenants in the premises in a fair  
18 manner;

19 (d) They are sufficiently explicit in their  
20 prohibition, direction or limitation of the tenant's conduct to  
21 fairly inform him of what he must or must not do to comply;

22 (e) They are not for the purpose of evading the  
23 obligations of the landlord.

24 (2) A rule or regulation adopted or amended after the tenant  
25 enters into the rental agreement is enforceable against the tenant  
26 if reasonable notice of its adoption or amendment is given to the

27 tenant and it does not work a substantial modification of the  
28 rental agreement.

29 (3) If the dwelling unit is an apartment in a horizontal  
30 property regime, the tenant shall comply with the bylaws of the  
31 association of the apartment owners; and if the dwelling unit is  
32 an apartment in a cooperative housing corporation, the tenant  
33 shall comply with the bylaws of the corporation.

34 (4) Unless otherwise agreed, the tenant shall occupy his  
35 dwelling unit only as a dwelling unit.

36 (5) A landlord shall not charge more than four percent (4%)  
37 or Twenty-five Dollars (\$25.00) whichever is greater as a late  
38 payment charge for rent payments which are past due. No rules or  
39 regulations shall be adopted allowing late payment charges in  
40 excess of four percent (4%) or Twenty-five Dollars (\$25.00)  
41 whichever is greater.

42 SECTION 2. This act shall take effect and be in force from  
43 and after July 1, 1999.