

By: Senator(s) Nunnelee

To: Judiciary

SENATE BILL NO. 2908

1 AN ACT TO AMEND SECTION 89-8-13, MISSISSIPPI CODE OF 1972, TO  
2 REVISE TERMINATION OF TENANCY FOR CONTROLLED SUBSTANCE VIOLATIONS;  
3 TO BRING FORWARD SECTION 89-8-25, MISSISSIPPI CODE OF 1972; AND  
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Section 89-8-13, Mississippi Code of 1972, is  
7 amended as follows:

8 89-8-13. (1) If there is a material noncompliance by the  
9 tenant with the rental agreement or the obligations imposed by  
10 Section 89-8-25, the landlord may terminate the tenancy as set out  
11 in subsection (3) of this section or resort to any other remedy at  
12 law or in equity except as prohibited by this chapter.

13 (2) If there is a material noncompliance by the landlord  
14 with the rental agreement or the obligations imposed by Section  
15 89-8-23, the tenant may terminate the tenancy as set out in  
16 subsection (3) of this section or resort to any other remedy at  
17 law or in equity except as prohibited by this chapter.

18 (3) The nonbreaching party may deliver a written notice to  
19 the party in breach specifying the acts and omissions constituting  
20 the breach and that the rental agreement will terminate upon a  
21 date not less than thirty (30) days after receipt of the notice if  
22 the breach is not remedied within a reasonable time not in excess  
23 of thirty (30) days; and the rental agreement shall terminate and  
24 the tenant shall surrender possession as provided in the notice  
25 subject to the following:

26 (a) If the breach is remediable by repairs, the payment  
27 of damages, or otherwise, and the breaching party adequately

28 remedies the breach prior to the date specified in the notice, the  
29 rental agreement shall not terminate;

30 (b) In the absence of a showing of due care by the  
31 breaching party, if substantially the same act or omission which  
32 constituted a prior noncompliance of which notice was given recurs  
33 within six (6) months, the nonbreaching party may terminate the  
34 rental agreement upon at least fourteen (14) days' written notice  
35 specifying the breach and the date of termination of the rental  
36 agreement;

37 (c) Neither party may terminate for a condition caused  
38 by his own deliberate or negligent act or omission or that of a  
39 member of his family or other person on the premises with his  
40 consent.

41 (4) If the rental agreement is terminated, the landlord  
42 shall return all prepaid and unearned rent and security  
43 recoverable by the tenant under Section 89-8-21.

44 (5) Notwithstanding the provisions of this section or any  
45 other provisions of this chapter to the contrary, if the material  
46 noncompliance by the tenant is the nonpayment of rent pursuant to  
47 the rental agreement, the landlord shall not be required to  
48 deliver thirty (30) days' written notice as provided by subsection  
49 (3) of this section. In such event, the landlord may seek removal  
50 of the tenant from the premises in the manner and with the notice  
51 prescribed by Chapter 7, Title 89, Mississippi Code of 1972.

52 (6) (a) A rental agreement may be terminated where the  
53 premises are knowingly used or occupied in whole or in part to  
54 violate Section 41-29-139.

55 (b) The district attorney may serve personally upon the  
56 landlord of the premises so used or occupied, or upon the  
57 landlord's agent, a written notice requiring the landlord to  
58 inform such district attorney in writing of the landlord's intent  
59 to diligently and in good faith seek the eviction of the tenant or  
60 tenants so using or occupying the premises. If the landlord or  
61 landlord's agent does not so inform such district attorney in  
62 writing within five (5) days of receiving written notice, or,  
63 having done so, does not in good faith diligently prosecute such  
64 eviction, the district attorney may bring a proceeding under this

65 chapter for such eviction as though the district attorney was the  
66 owner or landlord of the premises, and such proceeding shall have  
67 precedence over any similar proceeding thereafter brought by such  
68 landlord or to a proceeding previously brought by such landlord  
69 but not prosecuted diligently and in good faith. The person in  
70 possession of the property and the landlord shall be made parties  
71 to such a proceeding.

72 (c) A court granting relief pursuant to this subsection  
73 (6) may order, in addition to any other costs provided by law, the  
74 payment by the defendant or defendants of reasonable attorney fees  
75 and the prepaid costs of the proceeding to the district attorney.  
76 In such cases, multiple defendants are jointly and severally  
77 liable for any payment so ordered. Any costs collected shall be  
78 remitted to the office of the district attorney, and any attorney  
79 fees collected shall be remitted to the general fund of the county  
80 where the proceeding occurred.

81 (d) A proceeding brought under this section for  
82 repossession of the premises does not preclude the owner or  
83 landlord from recovering monetary damages from the tenants or  
84 occupants of such premises in a civil action.

85 SECTION 2. Section 89-8-25, Mississippi Code of 1972, is  
86 brought forward as follows:

87 89-8-25. A tenant shall:

88 (a) Keep that part of the premises that he occupies and  
89 uses as clean and as safe as the condition of the premises  
90 permits;

91 (b) Dispose from his dwelling unit all ashes, rubbish,  
92 garbage and other waste in a clean and safe manner in compliance  
93 with community standards;

94 (c) Keep all plumbing fixtures in the dwelling unit  
95 used by the tenant as clean as their condition permits;

96 (d) Use in a reasonable manner all electrical,  
97 plumbing, sanitary, heating, ventilating, air conditioning and

98 other facilities and appliances, including elevators, in the  
99 premises;

100 (e) Not deliberately or negligently destroy, deface,  
101 damage, impair or remove any part of the premises or knowingly  
102 permit any other person to do so;

103 (f) Conduct himself and require other persons on the  
104 premises with his consent to conduct themselves in a manner that  
105 will not disturb his neighbors' peaceful enjoyment of their  
106 premises;

107 (g) Inform the landlord of any condition of which he  
108 has actual knowledge which may cause damage to the premises;

109 (h) To the extent of his legal obligation, maintain the  
110 dwelling unit in substantially the same condition, reasonable wear  
111 and tear excepted, and comply with the requirements of applicable  
112 building and housing codes materially affecting health and safety;

113 (i) Not engage in any illegal activity upon the leased  
114 premises as documented by a law enforcement agency.

115 SECTION 3. This act shall take effect and be in force from  
116 and after July 1, 1999.