

By: Robinson (84th)

To: Judiciary A

HOUSE BILL NO. 328

1 AN ACT TO AMEND SECTIONS 89-8-7 AND 89-8-13, MISSISSIPPI CODE  
2 OF 1972, TO INCLUDE MOBILE HOMES AND MOBILE HOME LOTS IN THE  
3 PROVISIONS OF THE RESIDENTIAL LANDLORD-TENANT ACT; TO PROVIDE A  
4 TIME PERIOD FOR REMOVING MOBILE HOMES FROM LOTS WHICH ARE SUBJECT  
5 TO LEASE TERMINATION; AND FOR RELATED PURPOSES.

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

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

9 89-8-7. (1) Subject to additional definitions contained in  
10 subsequent sections of this chapter which apply to specific  
11 sections or parts thereof, and unless the context otherwise  
12 requires, in this chapter:

13 (a) "Building and housing codes" includes any law,  
14 ordinance, or governmental regulation concerning fitness for  
15 habitation, construction, maintenance, operation, occupancy or use  
16 of any premises or dwelling unit;

17 (b) "Dwelling unit" means a structure or the part of a  
18 structure that is used as a home, residence or sleeping place by  
19 one (1) person who maintains a household or by two (2) or more  
20 persons who maintain a common household and shall include mobile  
21 homes and mobile home lots;

22 (c) "Good faith" means honesty in fact in the conduct

23 of the transaction concerned and observation of reasonable  
24 community standards of fair dealing;

25 (d) "Landlord" means the owner, lessor or sublessor of  
26 the dwelling unit or the building of which it is a part, or the  
27 agent representing such owner, lessor or sublessor;

28 (e) "Organization" includes a corporation, government,  
29 governmental subdivision or agency, business trust, estate, trust,  
30 partnership or association, two (2) or more persons having a joint  
31 or common interest, and any other legal or commercial entity;

32 (f) "Owner" means one or more persons, jointly or  
33 severally, in whom is vested (i) all or part of the legal title to  
34 property or (ii) all or part of the beneficial ownership and a  
35 right to present use and enjoyment of the premises, and the term  
36 includes a mortgagee in possession;

37 (g) "Premises" means a dwelling unit and the structure  
38 of which it is a part, facilities and appurtenances therein, and  
39 grounds, areas and facilities held out for the use of tenants  
40 generally or whose use is promised to the tenant;

41 (h) "Rent" means all payments to be made to the  
42 landlord under the rental agreement;

43 (i) "Rental agreement" means all agreements, written or  
44 oral, and valid rules and regulations adopted under Section  
45 89-8-11 embodying the terms and conditions concerning the use and  
46 occupancy of a dwelling unit and premises;

47 (j) "Tenant" means a person entitled under a rental  
48 agreement to occupy a dwelling unit to the exclusion of others;

49 (k) "Qualified tenant management organizations" means  
50 any organization incorporated under the Mississippi Nonprofit  
51 Corporation Act, a majority of the directors of which are tenants  
52 of the housing project to be managed under a contract authorized  
53 by this section and which is able to conform to standards set by

54 the United States Department of Housing and Urban Development as  
55 capable of satisfactorily performing the operational and  
56 management functions delegated to it by the contract.

57 (2) For purposes of giving any notice required under this  
58 chapter, notice given to the agent of the landlord is equivalent  
59 to giving notice to the landlord. The landlord may contract with  
60 an agent to assume all the rights and duties of the landlord under  
61 this chapter; provided, however, that such a contract does not  
62 relieve the landlord of ultimate liability in regard to such  
63 rights and duties.

64 SECTION 2. Section 89-8-13, Mississippi Code of 1972, is  
65 amended as follows:

66 89-8-13. (1) If there is a material noncompliance by the  
67 tenant with the rental agreement or the obligations imposed by  
68 Section 89-8-25, the landlord may terminate the tenancy as set out  
69 in subsection (3) of this section or resort to any other remedy at  
70 law or in equity except as prohibited by this chapter.

71 (2) If there is a material noncompliance by the landlord  
72 with the rental agreement or the obligations imposed by Section  
73 89-8-23, the tenant may terminate the tenancy as set out in  
74 subsection (3) of this section or resort to any other remedy at  
75 law or in equity except as prohibited by this chapter.

76 (3) The nonbreaching party may deliver a written notice to  
77 the party in breach specifying the acts and omissions constituting  
78 the breach and that the rental agreement will terminate upon a  
79 date not less than thirty (30) days after receipt of the notice if  
80 the breach is not remedied within a reasonable time not in excess  
81 of thirty (30) days; and the rental agreement shall terminate and

82 the tenant shall surrender possession as provided in the notice  
83 subject to the following:

84 (a) If the breach is remediable by repairs, the payment  
85 of damages, or otherwise, and the breaching party adequately  
86 remedies the breach prior to the date specified in the notice, the  
87 rental agreement shall not terminate;

88 (b) In the absence of a showing of due care by the  
89 breaching party, if substantially the same act or omission which  
90 constituted a prior noncompliance of which notice was given recurs  
91 within six (6) months, the nonbreaching party may terminate the  
92 rental agreement upon at least fourteen (14) days' written notice  
93 specifying the breach and the date of termination of the rental  
94 agreement;

95 (c) Neither party may terminate for a condition caused  
96 by his own deliberate or negligent act or omission or that of a  
97 member of his family or other person on the premises with his  
98 consent.

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

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

110       (6) Notwithstanding the provisions of this section or any  
111 other provision of this chapter to the contrary, a mobile home  
112 owner shall have forty-five (45) days to remove his mobile home  
113 from a lot that is the subject of a lease termination.

114       SECTION 3. This act shall take effect and be in force from  
115 and after July 1, 2000.