

By: Representative Fleming

To: Judiciary A

HOUSE BILL NO. 97

1 AN ACT TO AMEND SECTION 89-8-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE APPLICATION OF THE RESIDENTIAL LANDLORD AND TENANT ACT;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 89-8-3, Mississippi Code of 1972, is
6 amended as follows:

7 89-8-3. (1) This chapter shall apply to, regulate and
8 determine rights, obligations and remedies under any rental
9 agreement entered into after July 1, 1991, wherever made, for a
10 dwelling unit located within this state. This chapter shall apply
11 to any rental agreement between an employer and an employee and
12 any property subject to such rental agreement shall meet the
13 guidelines of the Department of Housing and Urban Development
14 Section 8 Program. The rights, obligations and remedies of this
15 chapter shall be in addition to all other rights, obligations and
16 remedies provided by law and shall not alter or abridge the
17 rights, obligations and remedies available to residential
18 landlords and tenants pursuant to Sections 89-7-1 through
19 89-7-125.

20 (2) The following arrangements are not governed by this
21 chapter:

22 (a) Residence at an institution, public or private, if
23 incidental to detention or the provision of medical, geriatric,
24 educational, counseling, religious or similar service;

25 (b) Occupancy under a contract of sale of a dwelling
26 unit or the property of which it is a part, if the occupant is the
27 purchaser or a person who succeeds to his interest;

28 (c) Occupancy by a member of a fraternal or social
29 organization in the portion of a structure operated for the
30 benefit of the organization;

31 (d) Transient occupancy in a hotel, motel or lodgings;

32 (e) Occupancy by an owner of a condominium unit or a
33 holder of a proprietary lease in a cooperative; or

34 (f) Occupancy under a rental agreement covering
35 premises used by the occupant primarily for agricultural purposes
36 or when the occupant is performing agricultural labor for the
37 owner and such premises are rented for less than fair rental
38 value.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2004.