

By: Senator(s) Nunnelee, Albritton, Thomas

To: Judiciary, Division A

SENATE BILL NO. 2020

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

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

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

7 89-8-13. (1) If there is a material noncompliance by the  
8 tenant with the rental agreement or the obligations imposed by  
9 Section 89-8-25, the landlord may terminate the tenancy as set out  
10 in subsection (3) of this section or resort to any other remedy at  
11 law or in equity except as prohibited by this chapter.

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

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

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

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

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

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

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

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

51 (6) (a) A rental agreement may be terminated where the  
52 premises are knowingly used or occupied in whole or in part to  
53 violate Section 41-29-139 or 41-29-313.

54 (b) The district attorney may serve personally upon the  
55 landlord of the premises so used or occupied, or upon the  
56 landlord's agent, a written notice requiring the landlord to  
57 inform such district attorney in writing of the landlord's intent  
58 to diligently and in good faith seek the eviction of the tenant or  
59 tenants so using or occupying the premises. If the landlord or

60 landlord's agent does not so inform such district attorney in  
61 writing within five (5) days of receiving written notice, or,  
62 having done so, does not in good faith diligently prosecute such  
63 eviction, the district attorney may bring a proceeding under this  
64 chapter for such eviction as though the district attorney was the  
65 owner or landlord of the premises, and such proceeding shall have  
66 precedence over any similar proceeding thereafter brought by such  
67 landlord or to a proceeding previously brought by such landlord  
68 but not prosecuted diligently and in good faith. The person in  
69 possession of the property and the landlord shall be made parties  
70 to such a proceeding.

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

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

84 **SECTION 2.** This act shall take effect and be in force from  
85 and after July 1, 2005.