

HB 704 -- Landlord-Tenant Actions

Sponsor: Curls

This bill changes the laws regarding inadequate and deficient housing as it relates to landlord-tenant actions. In its main provisions, the bill:

(1) Revises the definition of "housing code" to regulating the condition or maintenance of all residential property, instead of the current residential buildings;

(2) Revises the definition of "neighborhood association" to any group of persons organized for the purpose of improvement of a particular geographic region instead of a group of persons organized for the sole purpose of improvement of a particular region and that the association is recognized by the municipality as the sole association for that purpose;

(3) Allows an application for the appointment of a receiver regarding any building or dwelling whether occupied or vacant if it is found to be in violation of a building or housing code and it constitutes a threat to the public health, safety, or welfare;

(4) Allows an interested party 60 days from receiving notice of a violation to remedy the violation or perform other specified actions;

(5) Authorizes the court to allow plaintiffs, plaintiffs' representatives, or other interested parties to enter into the property for the purposes of assessing the property prior to the appointment of a receiver;

(6) Allows the receiver to draw upon rent deposited to pay for the cost of necessary repairs without presenting the court the original invoice for work performed or material purchased;

(7) Removes the provision requiring the court to appoint a receiver to remove all of the housing code violations which constitute a nuisance when a building is vacant;

(8) Specifies that the court may allow a receiver reasonable and necessary expenses payable from revenues derived from the operation, encumbrance, or sale of the premises including reasonable compensation for the receiver;

(9) Removes the provision that no appointed receiver can serve without bond and specifies that a receiver is not personally liable except for misfeasance or malfeasance in the performance of the functions of the office of receiver;

(10) Specifies that the receiver will have first priority for a lien upon the proceeds of the sale and rent receivable of the premises with certain specified exceptions for the necessary expenses resulting from the receivership;

(11) Requires the receiver to file a quarterly income and expense report regarding the property with the court;

(12) Specifies that the receiver has the right to possess and, subject to court approval, sell the premises at a public auction to the highest bidder or to a court-approved private buyer;

(13) Specifies the order in which proceeds from the sale of the property are to be disbursed;

(14) Specifies that any premises sold as a result of these provisions is to be conveyed by quitclaim judicial deed, court administrator's deed, or sheriff's deed and extinguishes all other ownership interest in the property including certain tax liens;

(15) Requires the receiver to be discharged if the receiver certifies that nuisance abatement or the sale of the premises is not feasible; and

(16) Reduces the time period, from two years to one year, that an interested party may take action to regain possession of the property after the appointment of a receiver. If after one year no action is taken, the court may declare the premises abandoned and, whether or not fully abated, issue a quitclaim judicial deed, court administrator's deed, or sheriff's deed transferring title of the property to the receiver or to a not-for-profit organization.