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S.F. No. 3553 - Landlord and tenant clarifications; modifying service of summons and complaints in eviction proceedings (1st Engrossment)

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Overview

S.F. 3553 makes several clarifying changes to statutes governing landlord and tenant law and modifies service of the summons and complaint in eviction actions.

Summary

Section 1. Early renewal of lease. Clarifies that a landlord must wait six months from the *execution* of the current lease before requiring a tenant to renew the lease.

Section 2. Late fees. Provides that, with respect to housing assistance payment contracts, a late fee imposed by a landlord must be calculated and assessed only on the portion of rent payable by the tenant.

Section 3. Summons; how served. Under current law, service of the summons and complaint on the defendant may be made by posting on the property if, among other things, the plaintiff or their attorney files an affidavit stating that (1) the defendant cannot be found; (2) a copy of the summons has been mailed to the defendant's last known address; or (3) the plaintiff or the plaintiff's attorney has communicated to the defendant that an eviction hearing has been scheduled. This section requires the affidavit to state all three items in clauses (1) to (3).

Section 4. General. Removes a cross-reference to the statute governing eviction actions based on nonpayment of rent, thereby requiring the court to stay the writ of recovery of premises and order to vacate for a reasonable period, not to exceed seven days, for such eviction actions.