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S.F. No. 3748 - Rights of victims of violence to terminate a lease; expungements; landlord liability (1st Engrossment)

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Overview

Under current law, a residential tenant may terminate a lease without penalty if the tenant fears imminent violence after being subjected to domestic abuse, sexual abuse, or harassment. The tenant must provide a signed and dated advance written notice with a qualifying document to the landlord. A qualifying document may include an order for protection, a domestic abuse no contact order, or a statement by a qualified third party.

S.F. 3748 amends the law governing terminations and evictions involving tenants who are victims of domestic abuse, sexual abuse, or harassment and exercise the rights provided for in section 504B.206, including: prohibiting evictions, authorizing mandatory expungements, and imposing liability on landlords who disclose certain information.

Summary

Section 1. Mandatory expungement. Requires the court, upon a defendant's motion, to expunge an eviction action filed against a tenant who terminated their lease because the tenant was a victim of domestic abuse, sexual abuse, or harassment.

Section 2. Right to terminate; procedure. Makes clarifying changes. Permits the tenant's notice to terminate to be sent via a form of written communication regularly used by the parties. Provides that the tenancy terminates on the date provided in the notice but that vacation of the premises earlier does not constitute termination.

Section 3. Treatment of information. Provides that a landlord who releases certain information about a tenant who is a victim of violence is liable to the tenant for statutory damages of \$2,000 plus reasonable attorney fees and costs.

Section 4. Liability for rent; termination of tenancy. Makes clarifying changes.

Section 5. Eviction prohibited for victim of violence terminating lease. Prohibits a landlord from initiating an eviction action against a tenant who terminates a lease because the tenant is a victim of domestic abuse, sexual abuse, or harassment. Provides that a landlord who brings an eviction action in violation of this section is liable to the tenant for reasonable attorney fees and costs incurred by a tenant in obtaining an expungement under section 484.014. Clarifies that nothing prevents a landlord from taking action against a tenant who fails to vacate the premises by the lease termination date provided in the tenant's written notice.

Section 6. Definitions. Modifies the definition of "qualified third party" to refer to a person who has provided professional services to the tenant.