



## 2024 South Dakota Legislature

# Senate Bill 89

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Rohl**

1 **An Act to reduce the notice requirement period to terminate a tenancy at will.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 43-8-8 be AMENDED:**

4 **43-8-8.** A tenancy or other estate at will for a residential property, however  
 5 created, may be terminated by the ~~landlord's~~ landlord giving notice to the tenant in the  
 6 manner prescribed by § 43-8-9 to remove from the premises within a period, specified in  
 7 the notice, of not less than ~~one month~~ fifteen days. However, if the tenancy at will is the  
 8 residence of a tenant who is on active military service or if a person on active military  
 9 service is an immediate family member of the tenant, the tenant is entitled to two months'  
 10 notice in the manner prescribed by § 43-8-9 unless:

- 11 (1) The tenant has engaged in sustained conduct that is either disruptive to other  
 12 residents or neighbors, illegal, destructive, ~~or~~ negligent toward the maintenance of  
 13 the property, or constitutes a material breach in the implied lease conditions; or  
 14 (2) The landlord has sold the property or the property has passed to the landlord's  
 15 estate.

16 For the purposes of this section, an immediate family member is a spouse or minor  
 17 child.

18 **Section 2. That a NEW SECTION be added to chapter 43-8:**

19 A tenancy or other estate at will for a commercial property, however created, may  
 20 be terminated by the landlord giving notice to the tenant in the manner prescribed by §  
 21 43-8-9 to remove from the premises within a period, specified in the notice, of not less  
 22 than one month.