



2020 South Dakota Legislature

House Bill 1123

Introduced by: **Representative** Diedrich

1 **An Act to provide for the termination of a lease by a victim of alleged domestic**
 2 **abuse.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **43-32-18.1. Eviction of tenant--Limitations.**

6 A lease governing residential property may not include any term that authorizes
 7 the eviction of a tenant who calls or otherwise seeks assistance from law enforcement or
 8 other emergency responders because of an alleged incident of domestic abuse, unlawful
 9 sexual behavior, or stalking.

10 Nothing in this chapter authorizes the eviction of a tenant solely because the tenant
 11 or a member of the tenant's household is the victim of alleged domestic abuse, unlawful
 12 sexual behavior, or stalking.

13 **Section 2.** That § 43-32-19 be AMENDED:

14 **43-32-19. Termination of lease by tenant--Causes.**

15 A tenant may terminate a lease before the end of the term if:

- 16 (1) ~~When the~~The landlord does not, within a reasonable time after request, fulfill his
 17 obligations, if any, as to placing and securing the tenant in quiet possession of the
 18 premises or putting the premises into good condition or repairing the same; ~~or~~
 19 (2) ~~When the~~The greater part of the leased premises or that part which was, and which
 20 the landlord had at the time of leasing, reason to believe was the material
 21 inducement to the tenant to enter into the ~~contract~~ lease, is destroyed, from any
 22 other cause than the ordinary negligence of the tenant; or
 23 (3) The tenant meets the provisions of § 43-32-19.1.

24 **Section 3.** That a NEW SECTION be added:

1 **43-32-19.1. Domestic abuse--Unlawful sexual behavior--Stalking--**
2 **Termination of lease--Notice requirements.**

3 If a tenant or a member of the tenant's household is the victim of alleged domestic
4 abuse, unlawful sexual behavior, or stalking, the tenant may terminate the lease and
5 vacate the rental unit on or before a specified date, provided:

6 (1) The tenant notifies the landlord in writing that the termination is due to the tenant's
7 fear of imminent danger or injury to the tenant or to a member of the tenant's
8 household; and

9 (2) The tenant attaches to the notice:

10 (a) A police report regarding an alleged incident of domestic abuse, unlawful
11 sexual behavior, or stalking, signed during the thirty-day period
12 immediately preceding the date of the notice;

13 (b) A protection order issued during the thirty-day period immediately
14 preceding the date of the notice, in response to an alleged incident of
15 domestic abuse, unlawful sexual behavior, or stalking; or

16 (c) Documentation signed by a licensed health care provider indicating that:

17 (i) During the thirty-day period immediately preceding the date of the
18 notice, the provider examined the tenant or a member of the
19 tenant's household;

20 (ii) The examination was within the provider's scope of practice; and

21 (iii) As a result of the examination, the provider has reasonable cause to
22 believe that the tenant or a member of the tenant's household was
23 a victim of alleged domestic abuse, unlawful sexual behavior, or
24 stalking.

25 A tenant who provides a notice of termination in accordance with this section is
26 liable to pay the rent applicable to the month following that in which the tenant vacates
27 the premises.

28 **Section 4.** That a NEW SECTION be added:

29 **43-32-19.2. Contact information--Disclosure--Limitation.**

30 If in accordance with a termination authorized by § 43-32-19.1 a tenant provides
31 to the landlord a forwarding address or other contact information, the landlord may not
32 disclose that information to any person except with the consent of the tenant or as
33 required by law.