



## 2020 South Dakota Legislature

**House Bill 1123**

HOUSE ENGROSSED

Introduced by: **Representative** Diedrich

1 **An Act to revise provisions regarding termination of a lease by a victim of alleged**  
 2 **domestic 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 written request,  
 17 fulfill ~~his~~ obligations, if any, as to placing and securing the tenant in quiet possession  
 18 of the premises or putting the premises into good condition or repairing the same;  
 19 ~~or~~
- 20 (2) ~~When the~~ The greater part of the leased premises or that part which was, and which  
 21 the landlord had at the time of leasing, reason to believe was the material  
 22 inducement to the tenant to enter into the ~~contract~~ lease, is destroyed, from any  
 23 other cause than the ordinary negligence of the tenant; or
- 24 (3) The tenant meets the provisions of § 43-32-19.1.

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

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

4 If a tenant or a member of the tenant's household is the victim of alleged domestic  
5 abuse, unlawful sexual behavior, or stalking, the tenant may terminate the lease and  
6 vacate the rental unit without penalty for early termination on or before a specified date,  
7 provided:

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

11 (2) The tenant attaches to the notice:

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

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

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

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

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

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

27 A tenant who provides a notice of termination in accordance with this section is not  
28 liable to pay any otherwise applicable early termination fee or the rent applicable to the  
29 month following that in which the tenant vacates the premises.

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

31 **43-32-19.2. Contact information--Disclosure--Limitation.**

32 If in accordance with a termination authorized by § 43-32-19.1 a tenant provides  
33 to the landlord a forwarding address or other contact information, the landlord may not

- 1 disclose that information to any person except with the consent of the tenant or as
- 2 required by law.