



2020 South Dakota Legislature
House Bill 1123
ENROLLED

AN ACT

ENTITLED An Act to revise provisions regarding termination of a lease by a victim of alleged domestic abuse.

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

Section 1. That a NEW SECTION be added:

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

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

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

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

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

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

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

Section 3. That a NEW SECTION be added:

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

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

- (1) The tenant notifies the landlord in writing that the termination is due to the tenant's fear of imminent danger or injury to the tenant or to a member of the tenant's household; and
- (2) The tenant attaches to the notice:
 - (a) A police report regarding an alleged incident of domestic abuse, unlawful sexual behavior, or stalking, signed during the thirty-day period immediately preceding the date of the notice;
 - (b) A protection order issued during the thirty-day period immediately preceding the date of the notice, in response to an alleged incident of domestic abuse, unlawful sexual behavior, or stalking; or
 - (c) Documentation signed by a licensed health care provider indicating that:
 - (i) During the thirty-day period immediately preceding the date of the notice, the provider examined the tenant or a member of the tenant's household;
 - (ii) The examination was within the provider's scope of practice; and
 - (iii) As a result of the examination, the provider has reasonable cause to believe that the tenant or a member of the tenant's household was a victim of alleged domestic abuse, unlawful sexual behavior, or stalking.

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

Section 4. That a NEW SECTION be added:

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

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

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I certify that the attached Act originated in the:
House as Bill No. 1123

Received at this Executive Office this ____ day of _____, 2020 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this ____ day of _____, A.D., 2020

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2020 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1123
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State