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NAA Landlord/Tenant Working Group

Uniform Law Commission Update of 1972 Uniform Residential Landlord Tenant Act

What is the Uniform Law Commission?

The Uniform Law Commission (ULC) is a non-profit organization composed of 300 appointed commissioners charged with reviewing state law and determining which laws should be made uniform across the United States. The commissioners are judges, lawyers and legal scholars from across the nation that discuss statutes and propose model legislation that states can adopt in whole or part. This process is similar to the building code update process. Their legal expertise is donated by the commissioners. Because of the ULC's diverse representation and legal expertise, it carries weight with state legislatures in consideration of model legislation. Also, the ULC is funded through state appropriations.

What is the ULC doing? How does it affect your industry?

The ULC is in the process of updating landlord/tenant model legislation in an attempt to create a "uniform" law for states to consider. The last time the ULC (then known as the National Conference of Commissioners on Uniform State Laws) had considered landlord/tenant law was in 1972. In '72, the ULC produced the Uniform Residential Landlord and Tenant Act (URLTA), which was adopted by 21 states and has since influenced statutory development in other states.

Since 1972, landlord/tenant law has evolved differently from state to state, which makes the creation of a uniform law problematic. The ULC is currently in the process of creating a revised version that reflects statutory and common law developments in state landlord/tenant law since the '72 Act's inception.

What is the plan to engage and affect the process?

The ULC drafting committee will meet November 15-16 to discuss and make changes to the draft URLTA. The final draft is expected to be considered by the ULC in the summer of 2014. In anticipation of the November meeting, NAA will create a working group to vet the draft and come up with a consensus document that addresses the issues in the draft affecting the rental housing industry.

Our advocacy plan for the November meeting has two parts:

- Industry Working Group – A working group will be created to review the proposed URLTA update and make recommendations for the ULC to consider. The working group

will be chaired by Mike Clark, NAA State and Local Issues Chair, in a series of conference calls to solicit input.

- **Affiliate Advocacy** – Activate the NAA affiliate network to promote the apartment industry's interests with their local commissioners.

What are the current issues being considered?

Below is a brief synopsis of the most onerous provisions. In its current form, the Revised Uniform Residential Landlord Tenant Act DRAFT contains the following:

- **Security Deposit**
A landlord may not require a security deposit in an amount that exceeds one month's rent. The term "security deposit" is defined as including damage deposits, key deposits, prepaid rent and fees. Application fees and pet deposits are exempt as well as deposits that cover if a lease is for a furnished dwelling unit, or if the tenant makes alterations to the unit as permitted by the lease, the landlord may collect an additional security deposit in an amount commensurate with the additional risk of damage.
- **Domestic Violence**
A tenant may terminate his or her lease prior to the lease term if 1) the tenant or an immediate family member is a victim of domestic violence, sexual assault, or stalking and 2) the tenant gives the landlord written notice and provides supporting documentation of the abuse. The current draft allows the tenant to use verification by an attesting third party to validate incidents of abuse. "Attesting third party" is defined as a law enforcement official, a licensed health-care professional, a victim's advocate, or a victim-services provider that has had contact with a tenant or an immediate family member who is a victim of domestic violence, sexual assault, or stalking.
- **Abandoned Property**
The URLTA draft addresses the responsibilities of the landlord with property that is either abandoned by the tenant or property of a deceased tenant. Both provisions impose upon the property owner responsibilities outside of their scope of business: specifically the duties of finding an executor of the deceased tenant, estimating value, protecting, transporting, and ultimately disposing of the property – all the while assuming a level of liability for each of those actions.

While these issues top the list of concerns, the working group may identify additional priorities.

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