

1 SB513
2 131929-1
3 By Senators *Coleman, Ross, Dial, Ward, Fielding, Beasley and*
4 Dunn
5 RFD: Judiciary
6 First Read: 25-MAY-11

1 131929-1:n:05/24/2011:MCS/tan LRS2011-3265

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8 SYNOPSIS: This bill would allow a tenant to vacate and
9 terminate a rental agreement on a dwelling located
10 in Alabama that was damaged by a weather-related
11 disaster that occurred in April 2011.

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13 A BILL

14 TO BE ENTITLED

15 AN ACT

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17 To amend Section 35-9A-406 of the Code of Alabama
18 1975, relating to remedies of a tenant to vacate a leased
19 dwelling damaged by fire or casualty pursuant to the Alabama
20 Uniform Residential Landlord and Tenant Act; to provide a
21 tenant remedy to vacate and terminate a rental agreement on a
22 dwelling damaged as a result of a weather-related disaster
23 occurring in April 2011, under certain circumstances.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 35-9A-406, Code of Alabama 1975,
26 is amended to read as follows:

27 "§35-9A-406.

1 "(a) If the dwelling unit or premises are damaged or
2 destroyed by fire or casualty not caused by the tenant to an
3 extent that enjoyment of the dwelling unit is substantially
4 impaired, the tenant may:

5 "(1) immediately vacate the premises and notify the
6 landlord in writing within 14 days thereafter of the tenant's
7 intention to terminate the rental agreement, in which case the
8 rental agreement terminates as of the date of vacating; or

9 "(2) if continued occupancy is lawful, vacate any
10 part of the dwelling unit rendered unusable by the fire or
11 casualty, in which case the tenant's liability for rent is
12 reduced in proportion to the diminution in the fair rental
13 value of the dwelling unit.

14 "(b) In the event a dwelling unit or premises was
15 damaged or destroyed as a result of a weather-related disaster
16 in April 2011, to the extent that enjoyment of the dwelling
17 unit or premises is substantially impaired, the tenant may
18 within 60 days following the effective date of this amendatory
19 act notify the landlord in writing that the tenant has vacated
20 the dwelling and that the tenant intends to terminate the
21 lease, in which case the rental agreement terminates as of the
22 date the tenant vacated the dwelling.

23 "(b)(c) If the rental agreement is terminated
24 pursuant to this section, the landlord shall return all
25 security recoverable under Section 35-9A-201 and all unearned
26 prepaid rent. Accounting for rent in the event of termination

1 or apportionment shall be made as of the date of the fire or,
2 casualty, or weather-related disaster."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.