

HCS for HB 1006 -- LANDLORD/TENANT ACTIONS

SPONSOR: Cross

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 11 to 0. Voted "Do Pass with a HCS" by the Select Committee on the Judiciary by a vote of 9 to 0.

This bill specifies that for the purpose of restoring possession in a landlord tenant action, judgment must be executed no later than 10 days after the judgment.

Currently, if on any date after the date of any original trial, the defendant satisfies the judgment and pays all costs, the execution for possession of the premises must cease and be stayed. The bill requires that in order to cease and stay an execution for possession, the defendant must satisfy the judgment on any date after the date of any original trial and before the judgment becomes final. Additionally, the execution of a judgment restoring possession may be stayed upon the posting of an appeal bond by the losing party. Any appeal bond to stay execution of a judgment restoring possession must be posted within 10 days of an entry of judgment by the trial court.

PROPOSERS: Supporters say that current law has a hole which allows delinquent renters to remain in possession of a landlord's property rent free upon the filing of a frivolous appeal. This bill fixes this hole.

Testifying for the bill were Representative Cross; Samuel G Licklider; Richard C. Wiles; and Daryl D. Duwe.

OPPOSERS: There was no opposition voiced to the committee.