5600-S AMS WILS S2884.1

<u>**SSB 5600**</u> - S AMD TO S AMD (S-2613.3/19) **326**
    By Senator Wilson, L.

NOT ADOPTED 03/09/2019

1   Beginning on page 9, line 38, after "dollars" strike all material
2 through "section" on page 10, line 6

3   On page 10, beginning on line 22, after "<u>subsection</u>" strike all
4 material through "<u>section</u>" on line 23

5   Beginning on page 10, line 28, after "<u>(3)</u>" strike all material
6 through "<u>(4)</u>" on page 13, line 11

7   Renumber the remaining subsection consecutively and correct any
8 internal references accordingly.

9   On page 11, line 9, after "<u>reinstate;</u>" insert "<u>and</u>"

10   On page 11, beginning on line 12, after "<u>judgment</u>" strike all
11 material through "<u>43.31.605</u>" on line 14

12   Beginning on page 20, line 12, strike all of sections 11 and 12

13   Correct any internal references accordingly.

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14   On page 25, line 5, after "59.18.290," insert "and" and after
15 "59.18.055" strike all material through "43.31.615"

    <u>EFFECT:</u> (1) Removes language authorizing the use of judicial
discretion to cases involving restitution of premises and forfeiture
of tenancies due to nonpayment of rent, and requiring the
consideration of certain factors, including: The tenant's willful or
intentional default or failure to pay rent; payment history of the
tenant; ability of tenant to timely pay judgment; evidence that
nonpayment was caused by exigent circumstances beyond tenant's
control and are not likely to recur; relative burden on parties if
tenancy is reinstated or not; and conduct related to other notices
served with a notice to pay and vacate.

(2) Removes language requiring the court, if the tenant seeks relief under judicial discretion at the show cause hearing, to hear the matter at that time or as soon as possible to avoid unnecessary delay or hardship.

(3) Removes language authorizing the court to issue an order upon use of judicial discretion that may include the payment or severing of all or part of the monetary judgment, but affirms that any severing of the judgment does not preclude the landlord from pursuing other lawful remedies to collect the remainder of the judgment.

(4) Removes the following language based on the court issuing an order after exercising judicial discretion:

(a) The court may not stay the writ of restitution more than 3 months from the date of judgment, but may order repayment of the balance within such time;

(b) The court must require the tenant to pay the landlord or into the court one month's rent within 5 court days of the order, and the sheriff may serve the writ in case of default but may not execute the writ until after expiration of 5 court days;

(c) The writ must be stayed if timely repayment of the balance is made by the tenant, but if the tenant is in default, the sheriff must serve the writ again before execution or the landlord must serve a notice of default indicating the tenant has 3 days to vacate the premises before execution of the writ;

(d) A tenant who seeks to satisfy the repayment conditions under the order by relying on emergency rental assistance from a government or nonprofit entity may stay the writ by providing sufficient documentation to readily pay any balance set forth in the order;

(e) The court may order payment to be made directly to the landlord or landlord's agent if payment to the court cannot be made by the tenant;

(f) The court must extend the writ as necessary to enforce the order in case of default; and

(g) The court must restore the tenancy if the landlord indicates that he or she will submit an application to the landlord mitigation program in order to satisfy the judgment.

(5) Removes additional language modifying the landlord mitigation program to cover reimbursement claims for landlords due to unpaid judgments for rent, late fees, attorneys' fees, and costs.

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