This process allows us to bring in those constituency groups and have them talk face-to-face with one another and see how they might be able to work it out.”

- Prof. Alice Noble-Allgire

Proposed changes for domestic violence victims under the Uniform Law Commission’s Residential Landlord and Tenant Act

- Allow victim-tenants to be released from their lease.
- Allow landlord to terminate the portion of the lease involving the perpetrator.
- Allow victim-tenants from evictions for the perpetrator's actions on the property.

Source: Alice Noble-Allgire

"This process allows us to bring in those constituency groups and have them talk face-to-face with one another and see how they might be able to work it out," she said. "It’s a challenge at the same time when you have parties who have such different needs and you try to find the common ground between them and find the point where they can both be comfortable with whatever legislation the committee adopts." The proposed changes involving domestic violence also affect tenants who have been the victims of sexual assault, during violent and stalking, Noble-Allgire said. Tenant-victims don’t feel safe in their homes, particularly if the abuser is also living in the residence or nearby and the victim’s name is on the lease. The proposed revisions allow victim-tenants to be released from the lease, without penalty, so they can find another place to live. Alternatively, the landlord has the option of terminating the perpetrator’s interest in the lease and allowing the victim-tenant to remain. The Act would also give victim-tenants the right to change the locks on their dwelling unit.

Another area of concern for victim-tenants is the threat of eviction for acts committed by an abuser that disturb neighboring tenants or otherwise violate lease conditions. “That compounds the injury that a domestic violence victim suffers,” Noble-Allgire said. The proposed legislation addresses the issue by prohibiting landlords from taking adverse measures -- such as terminating leases, refusing to renew leases, evicting tenants, or imposing different rates -- simply because the tenant is a domestic violence victim, the police were called to the residence or a domestic violence act occurred on the premises. Landlords may, however, terminate a lease if the landlord feels the perpetrator is about to enter the property after the landlord has given notice that the person is not to return, or the perpetrator poses an imminent or serious threat to the landlord, employees, or other residents. Another proposed change involves security deposits and requires landlords to hold the security deposit in a separate account. The deposit would be returned, without interest, if the tenant successfully completes their lease obligations. The change was prompted by situations involving tenants to whom the landlord or tenant from losing the money to secured creditors if the other party declares bankruptcy, Noble-Allgire said. Almost all laws require that security deposits be returned with interest if lease obligations are successfully met. In the event of eviction or the tenant’s death, landlords will have specific time period from the landlord that they must keep the tenant’s personal property in storage if it is not removed. Noble-Allgire said an important consideration is that landlords want to rent the unit again. The proposed revisions would allow landlords to move the personal property of the unit and into storage. The Act also would be particularly helpful when a tenant who was a sole occupant of the home had died. Landlords will be able to ask tenants at the beginning of a lease the name of a contact person in the event of an emergency, and if the tenant dies, the contact person can take control of the deceased tenant’s property. Alternatively, if the landlord is unable to immediately locate a contact person or any relative of the deceased tenant, the landlord can put the property storage for up to 60 days while the tenant’s personal property is being retrieved. A final extension is for storage costs, the said, adding that only a few states have addressed this situation. In the case of eviction or tenants who inadvertently left property behind after terminating a lease, tenants would have 15 days to remove the property after receiving notice.

"WORTH KNOWING"

The SIU School of Law was one of just 60 in the nation recognized by National Jurist magazine as a “Best School for Practical Training” in its March 2014 issue. Law students gain experience through such programs as in semester in practice, clinics, and pro-bono projects. In addition, recently released employment data from the American Bar Association for 2013 graduates ranks the School of Law 28th out of 201 law schools nationally in full-time, long-term, bar-pass required, non-law school-funded jobs.

"Crafting a Compromise"

By Alice Noble-Allgire

A professor at the SIU School of Law is helping research and support changes to national uniform laws that govern landlord and tenants. Alice Noble-Allgire is a co-reporter for a uniform committee working to update Uniform Law Commission’s Residential Landlord and Tenant Act. The non-profit commission’s goal is to bring uniformity to the laws governing the various states by offering well-conceived and well-drafted legislation to states for enactment. First put into place in 1923, the Landlord and Tenant Act has been adopted by 21 states, while other states have adopted parts of the Act or used it as a model for their own statutes.

States tend to want their own specific statutes, but the commission has been “pretty successful” in getting states to adopt various parts, if not all, of the Act. Illinois, which has adopted much of its own provisions, has not adopted the Act, Noble-Allgire said. Together with co-reporter Sheldon Kurtz of the University of Iowa, Noble-Allgire has been overseeing the residential landlord and tenant drafting committee since its inception in 2011. The report’s role is to provide background research on trends in state legislation and court decisions on landlord-tenant issues, to participate in the drafting committee’s meetings, and to draft provisions for the committee. The committee will present their work for a second reading before the full commission in July. After additional research and review, a final reading and approval is scheduled for 2013. If adopted, the revised Act will be sent to each state legislature for review and consideration. In addition to revising existing parts of the Act, there are proposed new provisions in areas that address domestic violence, security deposits, tenants abandoned personal property, and what happens to rental property once a tenant dies.

"We are looking at very different perspectives between landlords and tenants," Noble-Allgire said. "The drafting committee and report want to make sure the Act meets the best compromise and the best possible legislation that will make sense for everyone.”

While landlords and tenants come with different perspectives and have different needs, one another. The drafting committee, therefore, encourages representatives from various constituency groups – including national associations that represent landlords and tenants, industry managers and legal and operating employees of landlords and tenants – to attend the meetings and provide input on the proposed revisions. But Noble-Allgire said the committee has actually sat at the table during discussions with the drafting committee, the work allows people and groups more access than they might have with legislators in state government settings, she said.

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