

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 24th March, 2022 is published together with Statement of Objects and Reasons for general information:-

L.A Bill No. 17 of 2022

A Bill further to amend the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification, appoint.

Amendment of section 2.

2. In section 2 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (hereinafter referred to as 'the principal Act')—

Tamil Nadu Act 42 of 2017.

(1) for clause (c), the following clause shall be substituted, namely:—

“(c) “landlord” whether called landowner or lessor or by any other name, means a person who receives or is entitled to receive, the rent of any premises, on his own account, if the premises were let to a tenant, and shall include—

(i) his successor-in-interest;

(ii) a trustee or guardian or receiver receiving rent for any premises or is entitled to so receive, on account of or on behalf of or for the benefit of, any other person such as minor or person of unsound mind who cannot enter into a contract;”;

(2) in clause (f), the expression “or for educational” shall be omitted;

(3) after clause (m), the following clause shall be inserted, namely:—

“(mm) “sub-tenant” means a person to whom the tenant sub-lets whole or part of the premises held by him or transfers or assigns his rights accrued under the tenancy agreement or any part thereof upon entering into a supplementary agreement to the existing tenancy agreement;”.

Substitution of section 7.

3. For section 7 of the principal Act, the following section shall be substituted, namely:—

“7.Restriction on sub-letting.- (1) After the commencement of this Act, no tenant shall, except by entering into a supplementary agreement to the existing tenancy agreement,—

(a) sub-let whole or part of the premises held by him as a tenant;

(b) transfer or assign his rights in the tenancy agreement or any part thereof.

(2) Where the premises is sub-let upon entering into a supplementary agreement to the existing tenancy agreement as referred to in sub-section (1), the landlord and tenant shall jointly inform the Rent Authority about the sub-tenancy within a period of two months from the date of execution of such agreement, in such Form as may be prescribed.”.

4. In section 15 of the principal Act, after sub-section (5), the following sub-section and Explanation shall be added, namely:— Amendment of section 15.

“(6) Where the premises let out on rent becomes uninhabitable for the tenant due to an event of force majeure or the tenant is unable to reside due to occurrence of such event, the landlord shall not charge rent from the tenant until the said premises is restored by the landlord, subject to the provisions of this section, to be inhabitable:

Provided that where the rented premises becomes uninhabitable as specified in sub-section (5) or this sub-section and the landlord fails to carry out the required repairs to make it inhabitable or the said premises could not be made inhabitable, then, the security deposit and advance rent shall be refunded by the landlord to the tenant within a period of fifteen days of the expiry of the notice period, after making due deduction of liability of the tenant, if any.

Explanation.— For the purposes of this section, “force majeure” means a situation of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the habitation of the tenant in the premises let out on rent.”.

5. In section 17 of principal Act, in sub-section (1) for the expression “may enter a premises in accordance with written notice given to the tenant”, the expression “may enter the premises let out on rent after serving a notice to the tenant, in writing or through electronic mode” shall be substituted. Amendment of section 17.

6. For section 19 of the principal Act, the following section shall be substituted, namely:— Substitution of section 19.

“19. Duties of property manager and consequences of violation of duties.— (1) The duties of the property manager shall include the following, namely:—

- (a) to collect rent against receipt;
- (b) to do essential repairs on behalf of the landlord;
- (c) to inspect the premises, from time to time;
- (d) to give notices to tenant for—
 - (i) proper maintenance of the premises;
 - (ii) delay in payment of rent;
 - (iii) revision of rent;
 - (iv) vacation of premises; and
 - (v) renewal of tenancy;

(e) to help in resolution of disputes among tenants and between landlord and tenant;

(f) any other matter relating to tenancy to be acted upon only on the instructions of the landlord.

(2) Where the property manager acts, in contravention of the provisions of sub-section (1) or against the instructions of the landlord, the Rent Authority may, on an application made to it by the landlord or tenant in that behalf, remove the property manager or impose such costs on the property manager so as to compensate any loss incurred by the landlord or tenant due to such contravention.”.

Amendment of section 21.

7. In section 21 of the principal Act,

(1) in sub-section (1), for the expression “continuance of tenancy agreement”, the expression “continuance of tenancy” shall be substituted;

(2) in sub-section (2),—

(a) clause (g) shall be omitted;

(b) after clause (h), the following clauses shall be added, namely:—

“(i) that the tenant does not agree to pay the rent payable under section 8;

(j) that the tenant has carried out any structural change or erected any permanent structure in the premises let out on rent without the written consent of the landlord.”.

Substitution of section 22.

8. For section 22 of the principal Act, the following section shall be substituted, namely:—

“22. *Eviction and recovery of possession of premises in case of death of landlord.*— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, in case of death of the landlord, where there is a bonafide requirement of the premises let out on rent by the legal heirs of the landlord during the period of tenancy, such legal heirs may file an application in this behalf for eviction and recovery of possession of the said premises before the Rent Court in such Form and manner, as may be prescribed.

(2) The Rent Court may, on an application made to it under sub-section (1), if it is satisfied that the legal heirs of the deceased landlord are in bonafide requirement of the premises let out on rent, pass necessary orders against the tenant for handing over vacant possession of the said premises to the legal heirs of the deceased landlord.”.

Amendment of section 31.

9. In section 31 of the principal Act, for the expression, “and 20 of the Act”, the expression “19 or 20 of the Act” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017) aims to regulate rent as per the terms and conditions of the agreement entered into between the owner of the premises and the tenant and balance the rights and responsibilities of the landlords and the tenants. The said Act provides for compulsory registration of all rental agreements.

2. The Union Government, on June 2, 2021, approved the Model Tenancy Act, 2021 for adoption by all States and Union Territories, either by way of enacting fresh legislation or by suitably amending the existing rental laws to that effect. Considering some of the suggestions provided in the Model Tenancy Act 2021, the Government have decided to amend the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 suitably.

3. The Bill seeks to give effect to the above decision.

S. MUTHUSAMY,

Minister for Housing and Urban Development.

Secretariat,
Chennai-600 009,
24th March 2022.

K. SRINIVASAN,
Secretary.