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Chapter No. 392

11/HR40/R681

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***HOUSE BILL NO. 1275***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1275

AN ACT TO CREATE THE "DERRICK BEARD ACT"; TO PROVIDE THAT THE COSIGNER OF A LEASE OF A RESIDENTIAL PREMISES MAY TERMINATE, AND IS PRESUMED TO HAVE TERMINATED, THE LEASE UPON THE DEATH OF THE LESSEE OR, IF THERE IS MORE THAN ONE LESSEE, UPON THE DEATH OF ALL LESSEES; TO PROVIDE THAT THE COSIGNER CAN CHOOSE NOT TO TERMINATE THE LEASE; TO PROVIDE THAT THE TERMINATION OF THE LEASE DOES NOT RELIEVE THE LESSEE'S ESTATE OR LESSEE'S COSIGNER FROM CERTAIN LIABILITIES UNDER THE LEASE; TO PROVIDE THAT THE LESSOR, LESSEE OR LESSEE'S COSIGNER MAY NOT WAIVE THE RIGHT OF TERMINATION PROVIDED UNDER THIS ACT; TO PROVIDE THAT THIS ACT APPLIES ONLY TO LEASES ENTERED INTO OR RENEWED FROM AND AFTER JULY 1, 2011; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) This section shall be known and may be cited as the "Derrick Beard Act."

(2) Any cosigner of a lease of a residential premises may terminate, and is presumed to have terminated, the lease before its expiration date upon the death of the lessee or, if there is more than one (1) lessee, upon the death of all lessees. The cosigner must provide notice to the lessor within thirty (30) days of the death of the lessee, or upon the death of all the lessees, if he or she chooses not to terminate the lease.

(3) The termination of a lease under this section shall not relieve the lessee's estate or lessee's cosigner from liability for:

(a) The payment of rent or other sums owed before the lessee's death or the death of all lessees;

(b) The payment of rent or other sums owed for the remainder of the month or other thirty-day period during which the death occurred; or

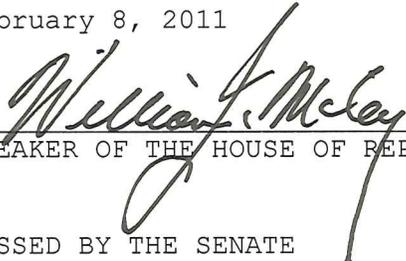
(c) The payment of amounts necessary to restore the premises to its condition at the commencement of the tenancy, ordinary wear and tear excepted.

(4) Any attempted waiver by a lessor and lessee or lessee's cosigner, by contract or otherwise, of the right of termination provided by this section shall be void and unenforceable.

(5) The provisions of this section shall apply to leases entered into or renewed from and after July 1, 2011.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2011.

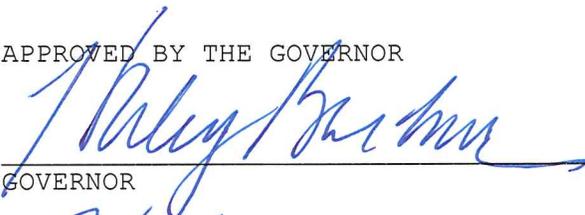
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 8, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 3, 2011

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

