

CHAPTER 33
Landlord and Tenant Generally

SECTION 27-33-10. Definitions.

- (1) Domestic servant. —A person using or occupying real estate while serving another as a domestic servant shall be deemed a “domestic servant”;
- (2) Farm laborer. —A person using or occupying real estate while working either as a sharecropper or otherwise as a farm laborer shall be deemed a “farm laborer”;
- (3) Tenant at will. —Every person other than the owner of real estate, excepting a domestic servant and farm laborer, using or occupying real estate without an agreement, either oral or in writing, shall be deemed a “tenant at will”;
- (4) Tenant for a term. —A person other than the owner using or occupying real estate under a written or oral agreement shall be deemed a “tenant for a term”;
- (5) Tenant for years. —A person other than the owner using or occupying real estate under a written agreement for a term of one year or more shall be deemed a “tenant for years”;
- (6) Agricultural renter. —A person renting lands for agricultural purposes shall be deemed an “agricultural renter”;
- (7) Landlord.—”Landlord” shall be construed to include the owner or person in possession or entitled to possession of the real estate used or occupied by the tenant as well as the employer of farm laborers and domestic servants; and
- (8) Tenant.—”Tenant” shall be construed to mean tenant at will, tenant for a term, tenant for years, domestic servant, farm laborer, sharecropper and agricultural renter.

HISTORY: 1962 Code Section 41-1; 1952 Code Section 41-1; 1946 (44) 2584.

SECTION 27-33-20. Applicability of certain statutory provisions relating to landlord and tenant.

The provisions of Chapters 33 to 37, Section 27-39-10 and Article 3 of Chapter 39 of this Title, other than Sections 27-35-80, 27-35-170, 27-35-180, 27-39-280 and 27-39-300, shall not apply to (a) lessees of timber, (b) the user or beneficiary of any easement or (c) the use or occupancy of any land by any person engaged in rendering public utility service for the construction and maintenance of electric power, telephone, telegraph, water or gas lines.

HISTORY: 1962 Code Section 41-2; 1952 Code Section 41-2; 1946 (44) 2584.

SECTION 27-33-30. Recordation of leases.

In order to give notice to third persons any lease or agreement for the use or occupancy of real estate shall be recorded in the same manner as a deed of real estate.

HISTORY: 1962 Code Section 41-4; 1952 Code Section 41-4; 1946 (44) 2584.

SECTION 27-33-40. Concurrent jurisdiction of judges and magistrates.

The judges of the circuit courts and county courts in this State shall have concurrent jurisdiction with and may exercise all of the duties and powers conferred upon magistrates by any provisions of Chapters 33 through 41 of this Title.

HISTORY: 1962 Code Section 41-5; 1952 Code Section 41-5; 1951 (47) 221; 1972 (57) 2538.

SECTION 27-33-50. Financial responsibility of tenant for utilities.

(A) Unless otherwise agreed in writing, a tenant has sole financial responsibility for gas, electric, water, sewerage, or garbage services provided to the premises the tenant leases, and a landlord is not liable for a tenant’s account.

(B) An entity or utility providing gas, electric, water, sewerage, or garbage services must not:

(1) require a landlord to execute an agreement to be responsible for all charges billed to premises leased by a tenant; or

(2) discontinue or refuse to provide services to the premises the tenant leases based on the fact that the landlord refused to execute an agreement to be responsible for all the charges billed to the tenant leasing that premises.

(C) This provision does not apply to a landlord whose property is a multi-unit building consisting of four or more residential units served by a master meter or single connection.

HISTORY: 2002 Act No. 336, Section 3A; 2003 Act No. 63, Section 1.