

SECOND REGULAR SESSION

SENATE BILL NO. 554

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Pre-filed December 12, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4176S.011

AN ACT

To repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to foreclosure notice to tenants.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 534.030, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 534.030, to read as follows:

534.030. 1. When any person willfully and without force holds over any
2 lands, tenements or other possessions, after the termination of the time for which
3 they were demised or let to the person, or the person under whom such person
4 claims; or after a mortgage or deed of trust has been foreclosed and the person
5 has received written notice of a foreclosure; or at least [ten business] **ninety** days
6 have elapsed after the date of the notice described in subsection 3 of this section;
7 or when premises are occupied incident to the terms of employment and the
8 employee holds over after the termination of such employment; or when any
9 person wrongfully and without force, by disseisin, shall obtain and continue in
10 possession of any lands, tenements or other possessions, and after demand made,
11 in writing, for the delivery of such possession of the premises by the person
12 having the legal right to such possession, or the person's agent or attorney, shall
13 refuse or neglect to vacate such possession, such person is guilty of an "unlawful
14 detainer".

15 2. In any case where a foreclosed property is occupied prior to the
16 foreclosure by a person who was a residential tenant, known in this section as the
17 occupant, not in violation of the provisions of section 441.020, then after the
18 foreclosure sale, the new owner of the property shall give the occupant notice, as
19 described in subsection 3 of this section, that the sale has occurred, that they are

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 the new owner, and if said owner seeks possession from the occupant that the
21 occupant has not less than [ten business] **ninety** days from the date of this
22 notice to vacate the premises. No unlawful detainer action or any other action
23 seeking possession may be commenced against the occupant within [ten business]
24 **ninety** days following the date of notice by the new owner that the foreclosure
25 sale has occurred. Nothing in this section creates a tenancy between the new
26 owner and the occupant. This section does not preclude the new owner from
27 entering into an agreement with the occupant that allows the occupant to remain
28 in the foreclosed property.

29 3. The notice required in subsection 2 of this section shall be sent by
30 certified or registered mail if the name of the occupant is known to the new
31 owner. If the name of the occupant is not known to the new owner then the
32 notice shall be sent by regular mail and addressed to "occupant". The envelope
33 containing such notice shall have the following words printed on the envelope
34 face: "Notice to Occupant Following Foreclosure". A notice shall also be posted
35 on the door of the premises where the occupant resides. The notices required in
36 this subsection shall contain in substance the following text: Attention Occupant:
37 (name of the new owner of the foreclosed property) is now the owner of the
38 property which you had been renting or leasing at (address of foreclosed property,
39 including apartment number, if applicable) after purchasing it at a trustee's
40 foreclosure sale on (date of foreclosure sale). Unless you agree with (new owner)
41 to a rental or lease agreement for the premises, (new owner), on or after (number
42 not less than [ten] **ninety**) [business] days following the date of this notice, may
43 seek a court order or judgment to have you removed from the
44 premises. Remaining on the premises after the date of this notice does not make
45 you a tenant of the new owner. (Name of new owner) (Address of new owner)
46 (Telephone number of new owner) (Fax number of new owner, optional) (Email
47 address of new owner, optional).

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