

FIRST REGULAR SESSION

# SENATE BILL NO. 151

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time January 16, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0307S.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Section A. Section 534.030, RSMo, is repealed and one new section  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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