

FIRST REGULAR SESSION

# SENATE BILL NO. 135

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHEELER.

Pre-filed December 22, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0568S.02I

## AN ACT

To repeal sections 447.620, 447.622, 447.625, and 447.640, RSMo, and to enact in lieu thereof four new sections relating to economic development in residential neighborhoods through rehabilitation of abandoned properties by certain organizations.

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

Section A. Sections 447.620, 447.622, 447.625, and 447.640, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 447.620, 447.622, 447.625, and 447.640, to read as follows:

447.620. As used in sections 447.620 to 447.640, the following terms mean:

(1) "Housing code", a local building, fire, health, property maintenance, nuisance, or other ordinance which contains standards regulating the condition or maintenance of residential buildings;

(2) "Last known address", the address where the property is located or the address as listed in the property tax records;

(3) "Municipality", any incorporated city, town, or village;

(4) "Nuisance", any property which because of its physical condition or use is a public nuisance or any property which constitutes a blight on the surrounding area or any property which is in violation of the applicable housing code such that it constitutes a substantial threat to the life, health, or safety of the public. For purposes of sections 447.620 to 447.640, any declaration of a public nuisance by a municipality pursuant to an ordinance adopted pursuant to sections 67.400 to 67.450, RSMo, shall constitute prima facie evidence that the property is a nuisance;

(5) "Organization", any Missouri not-for-profit organization validly organized pursuant to law and whose purpose includes the provision or enhancement of housing opportunities in its community **and which has been incorporated for at least six months;**

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

(6) "Parties in interest", any owner or owners of record, occupant, lessee, mortgagee, trustee, personal representative, agent, or other party having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located, except in any municipality contained wholly or partially within a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, "parties in interest" shall mean owners, lessees, mortgagees, or lienholders whose interest has been recorded or filed in the public records;

(7) "Rehabilitation", the process of improving the property, including, but not limited to, bringing the property into compliance with the applicable housing code.

447.622. Any organization may petition to have property declared abandoned pursuant to the provisions of sections 447.620 to 447.640 and for temporary possession of such property, if:

(1) The property has been continuously unoccupied by persons legally entitled to possession for at least ~~[one month]~~ **six months** prior to the filing of the petition;

(2) The taxes are delinquent on the property;

(3) The property is a nuisance; and

(4) The organization intends to rehabilitate the property.

447.625. 1. Any petition filed under the provisions of sections 447.620 to 447.640 which pertains to property located within any home rule city [with more than four hundred thousand inhabitants and located in more than one county] shall meet the requirements of this section.

2. Summons shall be issued and service of process shall be had as in rem or quasi in rem civil actions.

3. The petition shall contain a prayer for a court order approving the organization's rehabilitation plan and granting temporary possession of the property to the organization. The petition shall also contain a prayer for a sheriff's deed conveying title to the property to the organization upon the completion of rehabilitation when no owner has regained possession of the property pursuant to section 447.638.

4. The court shall stay any ruling on the organization's prayer for a sheriff's deed until rehabilitation has been completed.

5. The owner may file a motion for restoration of possession of the property prior to the completion of rehabilitation. The court shall determine whether to restore possession to the owner and proper compensation to the organization in the same manner as in section 447.638.

6. Upon completion of rehabilitation the organization may file a motion for sheriff's deed in place of a petition for judicial deed under section 447.640.

7. The provisions of sections 447.620 to 447.640 shall apply except where they are in conflict with this section.

447.640. If an owner does not regain possession of the property in the one-year period following entry of an order granting temporary possession of the property to the organization, the organization may file a petition for judicial deed and, upon due notice to the named defendants, an order may be entered granting a quitclaim judicial deed to the organization. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, except tax liens. **Any party in interest of the property must present any claim for compensation prior to the entering of the court order conveying title to the organization.**

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