

SECOND REGULAR SESSION

[CORRECTED]

# SENATE BILL NO. 655

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Pre-filed January 6, 2014, and ordered printed.

4143S.01I

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 441.005, 441.500, and 441.770, RSMo, and to enact in lieu thereof three new sections relating to who may lawfully occupy rental property.

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

Section A. Sections 441.005, 441.500, and 441.770, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 441.005,  
3 441.500, and 441.770, to read as follows:

441.005. Except as otherwise provided, when used in chapter 534, chapter  
2 535, or this chapter, the following terms mean:

3 (1) "Landlord", the owner or lessor of the premises or a person  
4 authorized by the owner to exercise any aspect of the management of  
5 the premises;

6 (2) "Lease", a written or oral agreement for the use or possession of  
7 premises;

8 [(2)] (3) "Lessee", any person who leases premises from another[, and any  
9 person residing on the premises with the lessee's permission] to the exclusion  
10 of others during the rental or lease period and who is obligated to pay  
11 rent;

12 [(3)] (4) "Premises", land, tenements, condominium or cooperative units,  
13 air rights and all other types of real property leased under the terms of a rental  
14 agreement, including any facilities and appurtenances, to such premises, and any  
15 grounds, areas and facilities held out for the use of tenants generally or the use  
16 of which is promised to the tenant. "Premises" include structures, fixed or  
17 mobile, temporary or permanent, vessels, manufactured homes as defined in

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

18 section 700.010, mobile trailer homes and vehicles which are used or intended for  
19 use primarily as a dwelling or as a place for commercial or industrial operations  
20 or storage;

21 ~~[(4)]~~ **(5) "Rent"**, a stated payment for the temporary possession or use of  
22 a house, land or other real property, made at fixed intervals by a tenant **or**  
23 **lessee** to a landlord;

24 **(6) "Tenant"**, a person who occupies the premises with the  
25 **landlord's consent**.

441.500. As used in sections 441.500 to 441.643, the following terms  
2 mean:

3 (1) "Abatement", the removal or correction, including demolition, of any  
4 condition at a property that violates the provisions of any duly enacted building  
5 or housing code, as well as the making of such other improvements or corrections  
6 as are needed to effect the rehabilitation of the property or structure, including  
7 the closing or physical securing of the structure;

8 (2) "Agent", a person authorized by an owner to act for him;

9 (3) "Code enforcement agency", the official, agency, or board that has been  
10 delegated the responsibility for enforcing the housing code by the governing body;

11 (4) "Community", any county or municipality;

12 (5) "County", any county in the state;

13 (6) "Dwelling unit", premises or part thereof occupied, used, or held out  
14 for use and occupancy as a place of abode for human beings, whether occupied or  
15 vacant;

16 (7) "Governing body", the board, body or persons in which the powers of  
17 a community are vested;

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

21 (9) "Local housing corporation", a not-for-profit corporation organized  
22 pursuant to the laws of the state of Missouri for the purpose of promoting housing  
23 development and conservation within a specified area of a municipality or an  
24 unincorporated area;

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

26 (11) "Neighborhood association", any group of persons organized for the  
27 sole purpose of improvement of a particular geographic area having specific  
28 boundaries within a municipality, provided that such association is recognized by

29 the municipality as the sole association for such purpose within such geographic  
30 area;

31 (12) "Notice of deficiency", a notice or other order issued by the code  
32 enforcement agency and requiring the elimination or removal of deficiencies found  
33 to exist under the housing code;

34 (13) "Nuisance", a violation of provisions of the housing code applying to  
35 the maintenance of the buildings or dwellings which the code official in the  
36 exercise of reasonable discretion believes constitutes a threat to the public health,  
37 safety or welfare;

38 (14) "Occupant", any person **lawfully** occupying a dwelling unit as his or  
39 her place of residence, **either as a tenant or a lessee**, whether or not that  
40 person is occupying the dwelling unit as a tenant from month to month or under  
41 a written lease, undertaking or other agreement;

42 (15) "Owner", the record owner or owners, and the beneficial owner or  
43 owners when other than the record owner, of the freehold of the premises or  
44 lesser estate therein, a mortgagee or vendee in possession, assignee of rents,  
45 receiver, personal representative, trustee, lessee, agent, or any other person in  
46 control of a dwelling unit;

47 (16) "Person", any individual, corporation, association, partnership, or  
48 other entity.

441.770. 1. If the grounds for an eviction have been established pursuant  
2 to subsection 1 of section 441.740, the court shall order that the tenant be evicted  
3 from the leased property. **Following the order, the tenant shall have**  
4 **twenty-four hours to vacate the premises and the landlord shall**  
5 **subsequently have a right to reenter and take possession of the**  
6 **premises.**

7 2. If the grounds for a removal have been established pursuant to  
8 subsection 2 of section 441.740, the court shall order that those persons found to  
9 be engaging in the criminal activity described therein be immediately removed  
10 and barred from the leased property, but the court shall not order the tenancy be  
11 terminated.

12 3. The court may order the expedited execution of an eviction or removal  
13 order by requiring the order's enforcement by the appropriate agency within a  
14 specified number of days after final judgment.

15 4. The court may stay execution of an eviction or removal order for a  
16 reasonable length of time if the moving party establishes by clear and convincing

17 evidence that immediate removal or eviction would pose a serious danger to the  
18 party and that this danger outweighs the safety, health and well-being of the  
19 surrounding community and of the plaintiff.

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Unofficial

Bill

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