

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 655

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

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

Read 2nd time January 23, 2014, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee April 1, 2014, with recommendation that the bill do pass.

Taken up for Perfection April 15, 2014. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4143S.01P

AN ACT

To repeal sections 441.005, 441.500, 441.760, 441.770, and 569.130, RSMo, and to enact in lieu thereof five new sections relating to rental property.

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

Section A. Sections 441.005, 441.500, 441.760, 441.770, and 569.130, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 441.005, 441.500, 441.760, 441.770, and 569.130, to read as follows:

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

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

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

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

[(3)] (4) "Premises", land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use

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

16 of which is promised to the tenant. "Premises" include structures, fixed or
17 mobile, temporary or permanent, vessels, manufactured homes as defined in
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.

441.760. 1. If the plaintiff has met its burden of proof for a complete
2 eviction but the tenant successfully pleads an affirmative defense to the eviction
3 pursuant to section 441.750, then the court shall not terminate the tenancy but
4 shall order the immediate removal of any person who the court finds conducted
5 the drug-related activity which was the subject of the eviction proceeding.

6 **2. If the plaintiff presents evidence that a person is not lawfully**
7 **occupying a dwelling unit as either a tenant or a lessee, the court shall**
8 **order the immediate removal of such person unlawfully occupying the**
9 **dwelling unit.**

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.

569.130. 1. A person does not commit an offense by damaging, tampering
2 with, operating, riding in or upon, or making connection with property of another
3 if he **or she** does so under a claim of right and has reasonable grounds to believe
4 he **or she** has such a right.

5 2. The defendant shall have the burden of injecting the issue of claim of
6 right.

7 **3. No person who, as a tenant, willfully or wantonly destroys,**
8 **defaces, damages, impairs, or removes any part of a leased structure or**
9 **dwelling unit, or the facilities, equipment, or appurtenances thereof,**
10 **may inject the issue of claim of right.**

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