

# SENATE BILL NO. 182

## 101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

0853S.01I

ADRIANE D. CROUSE, Secretary

### AN ACT

To repeal sections 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

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

Section A. Sections 441.233 and 535.010, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 441.233, 441.235, and 535.010, to read as  
4 follows:

441.233. 1. Except as provided in [section] **sections**  
2 441.065 **and 441.235**, a landlord or its agent who removes or  
3 excludes a tenant or the tenant's personal property from the  
4 premises without judicial process and court order, or causes  
5 such removal or exclusion, or causes the removal of the  
6 doors or locks to such premises, shall be deemed guilty of  
7 forcible entry and detainer as described in chapter 534.

8 2. Any landlord or its agent who willfully diminishes  
9 services to a tenant by interrupting or causing the  
10 interruption of essential services, including but not  
11 limited to electric, gas, water, or sewer service, to the  
12 tenant or to the premises shall be deemed guilty of forcible  
13 entry and detainer as described in chapter 534; provided  
14 however, this section shall not be applicable if a landlord  
15 or its agent takes such action for health or safety reasons.

**441.235. 1. For the purposes of this section, the**  
2 **term "premises" means real property leased under the terms**

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

3 of a rental agreement for commercial or business purposes,  
4 and shall not include real property used for residential or  
5 agricultural purposes.

6 2. Notwithstanding the provisions of section 535.020,  
7 unless provided otherwise in the lease, if a tenant is  
8 delinquent in paying rent for a period of more than forty-  
9 five consecutive days, the landlord may place a lock or  
10 locks on the premises without judicial process and court  
11 order if the landlord:

12 (1) At least thirty days before reentering the  
13 premises, notifies the tenant of the default in the payment  
14 of rent due by certified mail or by posting written notice  
15 on the premises; and

16 (2) Mails a second notice of the tenant's default in  
17 the payment of rent due by certified mail or posts such  
18 notice on the premises fifteen days prior to reentering the  
19 property. This second notice shall include a statement that  
20 the rent on the property has been due and unpaid and that if  
21 the rent remains due and unpaid for more than forty-five  
22 consecutive days from the date of the first notice, the  
23 landlord may place a lock or locks on the premises unless  
24 the tenant pays all the rent due within ten days of the  
25 landlord mailing or posting the second notice or the tenant  
26 provides proof to the landlord by certified mail that the  
27 tenant has met the requirements of subsection 4 of this  
28 section.

29 3. If the tenant refuses or fails to pay rent due  
30 within ten days of the mailing or posting of the second  
31 notice required by subdivision (2) of subsection 2 of this  
32 section, the landlord shall place a lock or locks on the  
33 premises until such time that the tenant pays in full any  
34 late rent as well as all current rent due, including

35 contractual late fees. Upon receipt of such payment or  
36 payments, the landlord shall immediately remove the lock or  
37 locks from the premises.

38 4. If the tenant has failed to make timely rent  
39 payments due to alleged failures in contractual obligations  
40 of the landlord and the landlord initiates the notices  
41 provided for in this section, the tenant may place the  
42 outstanding and ongoing rent into an escrow account for the  
43 benefit of the landlord, subject to the specific unmet and  
44 earmarked contractual obligations. The tenant may withhold  
45 the release of such rent from escrow until the landlord  
46 satisfies the specified contractual obligations or the  
47 landlord obtains a court order to release the rent from  
48 escrow. Any notice pursuant to this section and the rights  
49 of the landlord to lock such premises shall be suspended  
50 until the landlord's contractual obligations are met. A  
51 tenant's failure to place all past due rent and timely  
52 ongoing rent into escrow pursuant to this subsection shall  
53 render the provisions of this subsection null and void.

535.010. In all cases in which lands and tenements are  
2 or shall be rented or leased, and default shall be made in  
3 the payment of the rents at the time or times agreed upon by  
4 the parties, it shall be lawful for the landlord to  
5 dispossess the tenant and all subtenants and recover  
6 possession of the premises rented or leased, in the manner  
7 herein provided or as provided in section 441.235.

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