

SECOND REGULAR SESSION

HOUSE BILL NO. 1969

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHAPPELLE-NADAL.

Read 1st time February 4, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3473L.01I

AN ACT

To repeal section 535.020, RSMo, and to enact in lieu thereof one new section relating to nonpayment of rent cases.

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

Section A. Section 535.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 535.020, to read as follows:

535.020. **1.** Whenever any rent has become due and payable, and payment has been demanded by the landlord or the landlord's agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which such property was rented, and the amount of rent actually due to such landlord; that the rent has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased. Giving the notice provided in section 441.060, RSMo, is not required prior to filing a statement or obtaining the relief provided in this chapter. In such case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before the judge upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 lease; provided that such other sums shall not be considered rent for purposes of this chapter, and
17 judgment for the landlord for recovery of such other sums shall not by itself entitle the landlord
18 to an order for recovery of possession of the premises. **The court shall adopt a local court rule**
19 **providing for the centralized filing of such cases and shall provide that such cases may be**
20 **filed at any time that the court is open and shall require that such cases be recorded and**
21 **scheduled to be heard no later than thirty days after the date of filing.** The provisions of
22 this section providing for the filing of a statement before an associate circuit judge shall not
23 preclude [adoption of a local circuit court rule providing for the centralized filing of such cases,
24 nor] the assignment of such cases to particular circuit or associate circuit judges pursuant to local
25 circuit court rule or action by the presiding judge of the circuit. The case shall be heard and
26 determined under the practice and procedure provided in the Missouri rules of civil procedure,
27 except where otherwise provided by this chapter.

28 **2. The filing of a statement, verified by affidavit as provided for in subsection 1 of**
29 **this section shall be prima facie evidence that the rent has not been paid and the burden**
30 **of proof shall be on the tenant to produce proof of payment. If the tenant fails to produce**
31 **such proof on or before the date of the hearing, the court shall find in favor of the landlord**
32 **or landlord's agent.**

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