

HCS#2 SCS SB 781 -- LANDLORD-TENANT ACTIONS

SPONSOR: Smith (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 7 to 2.

This substitute changes the laws regarding landlord-tenant actions.

LANDLORD-TENANT LIABILITY

The substitute exempts landlords, or any of their representatives, from liability for any loss or damage to household goods, furnishings, fixtures, or personal property resulting from the removal or disposal of the property upon the enforcement of a judgment granting possession of the premises. If any property bears a label or mark identifying it as the property of a third party, the landlord must make a reasonable effort to notify the third party to remove the property within five business days of the date of the execution to recover the property.

TENANTS SPONSORING SPORTS EVENTS

A landowner is prohibited from leasing a building, apartment, or house to anyone who sponsors or permits any amateur mixed martial arts contest on the leased premises without complying with the provisions regulating these contests.

The Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration is authorized to regulate professional and amateur mixed martial arts contests in the state and prohibits the division from granting a permit for a mixed martial arts contest where any participant is younger than 18 years of age.

LANDLORD-TENANT ACTIONS

The substitute requires the court to set the rent and possession case no later than 21 days following the return of the served summons or the filing with the court an affidavit of posting and mailing a copy of the summons.

Currently, when personal service cannot be obtained in an unlawful detainer or rent and possession case, the court must proceed to hear the case where a copy of the summons and complaint was posted on the premises and also mailed to the last known address of the tenant by ordinary mail. The substitute requires certified mail return receipt requested or other

receipted delivery notice when personal service cannot be obtained and allows posting notice on the dwelling without an order by the court for the posting.

When the court grants possession of the premises to the landlord in a Chapter 535, RSMo, action, the owner of the property will have the right to enter and dispose of any personal property left within the dwelling after 10 business days of taking possession.

The amount of time a tenant's rent may be in arrears before a landlord may take action to recover the possession of the demised property is reduced from six months to one month.

LEASE PAYMENTS FOR RESIDENCES AFTER NATURAL DISASTERS

The substitute exempts a tenant from liability for rent payments when his or her residence is destroyed by an act of God or other natural or man-made disaster unless there is a contract to the contrary or the tenant caused the disaster.

REAL PROPERTY TRANSFERS

The substitute specifies that any transfer fee, declaration, or covenant which requires the payment of a fee to a specific person upon the transfer of real estate will not be binding on or enforceable against any subsequent owner, purchaser, or mortgagee of any interest in real property. Any lien claiming to secure the payment of a transfer fee under a transfer fee covenant recorded in Missouri on or after September 1, 2008, will be void and unenforceable.

A water and sewer line easement cannot be considered as a transfer of title of real property to counties. These easements will not be required to be proved or acknowledged to be valid if authorized for recording by the county commission.

The abandonment provisions regarding disposal or removal of tenant property after sufficient notice are deemed applicable to any time prior to, during, or after the initiation of a rent and possession action or judgment.

The substitute contains an emergency clause for the provisions regarding the prohibition of certain mixed martial arts contests.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill corrects a dilemma for St. Louis property owners. Currently, landlords who have evicted tenants must place any personal property of the former tenants in

the right-of-way after eviction. However, placing the property in front of the premises is a municipal code violation, and the landlord is ticketed for littering. If the landlord disposes of the property otherwise, he or she is legally liable for the value of the property.

Testifying for the bill were Senator Smith; and Missouri Rental Dealers Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill provided background information on the history of the landlord-tenant statute and the degree of culpability and actual state of mind necessary to meet the willful or wanton standard used in law.

Testifying on the bill were Missouri Bar; and Susan Alverson.