Cyose of Representatives

Mr. Speaker: I am instructed by the Senate to inform the House of Representative 5326504.01F

that the Senate has taken up and passed

SCS HCS HB 1410	entitled:

AN ACT

To repeal sections 512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, and 535.210, RSMo, and to enact in lieu thereof eleven new sections relating to landlord tenant actions.

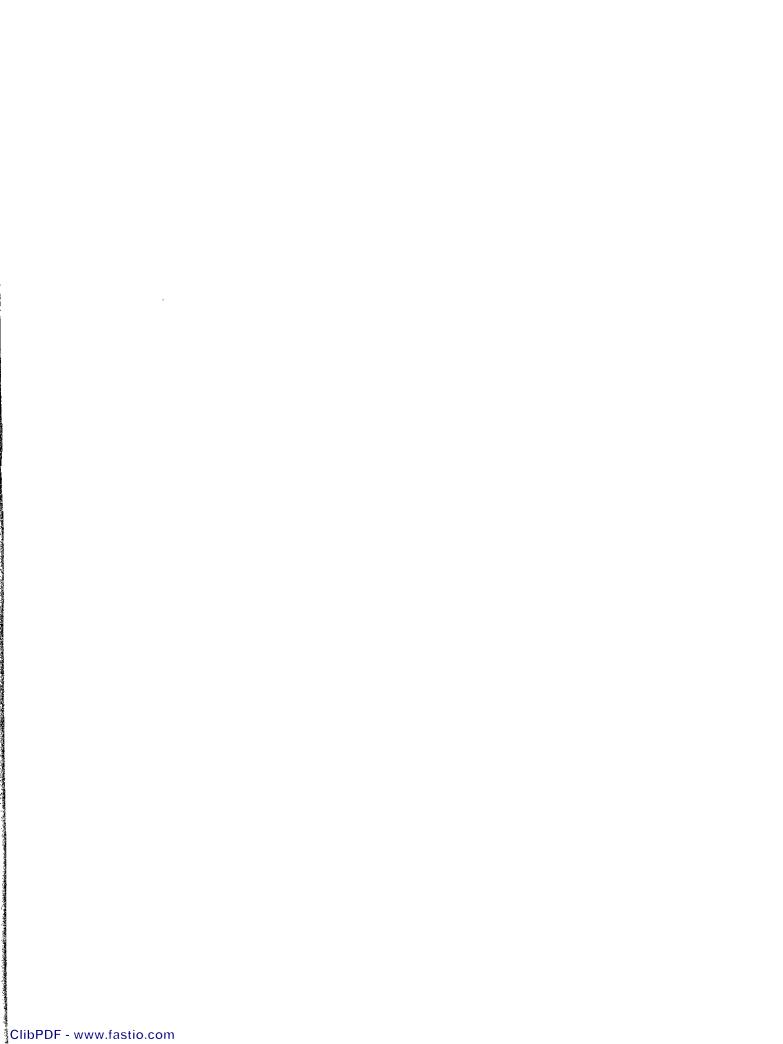
With SA 1, SA 2, SA 3

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler

Secretary of the Senate



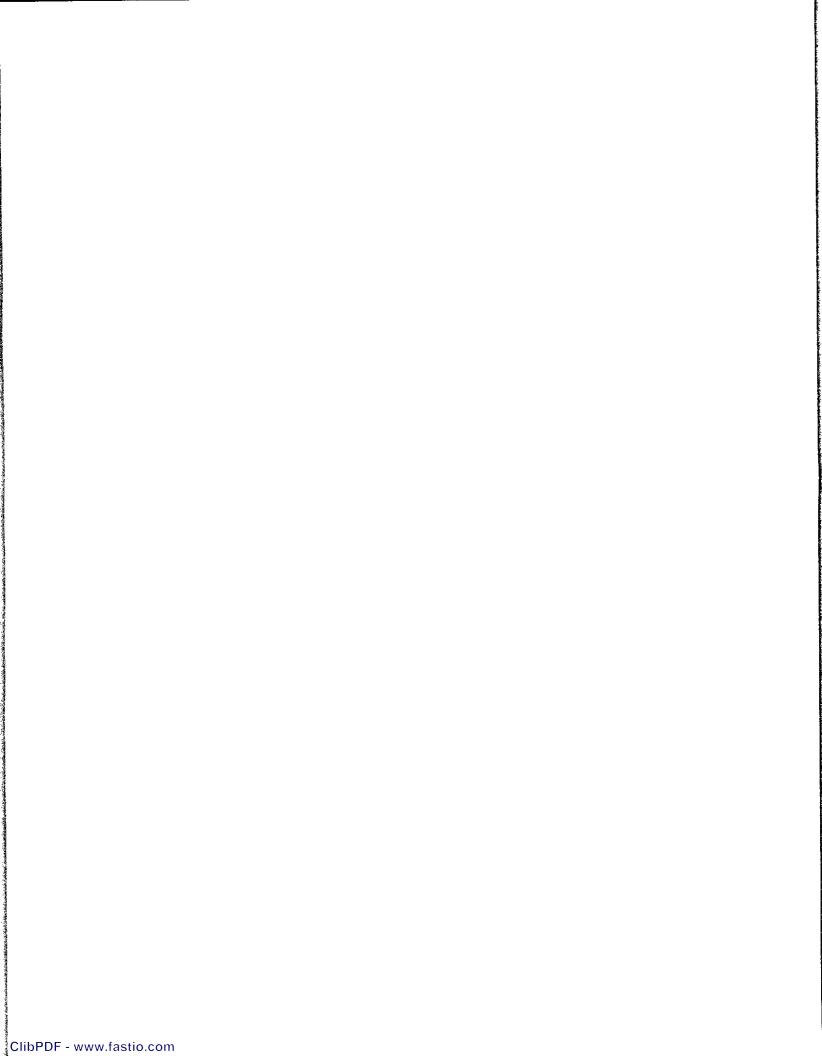
Read 5/7/14

5326S04.01S

SENATE AMENDMENT NO. /

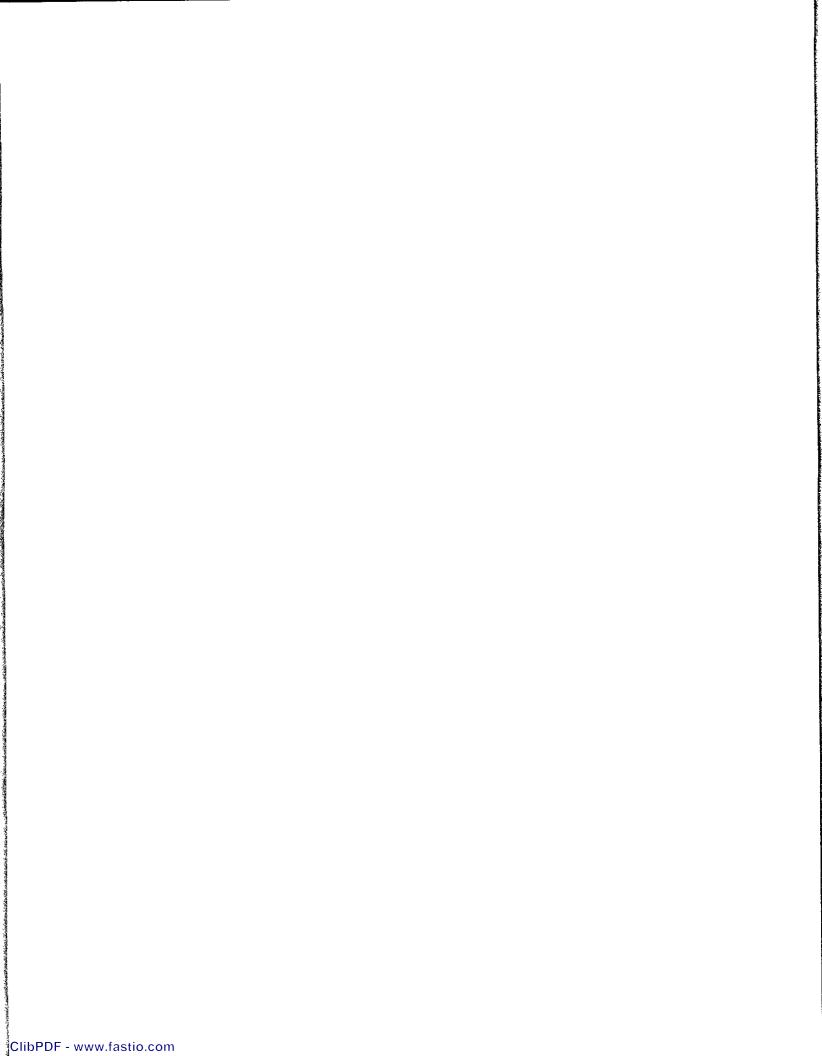
	Offered by Schaefer of Boone
	Amend SCS/HCS/House Bill No. 1410, Page 3, Section 534.380, Line 2,
2	by striking the opening "[" and closing "]" brackets; and further
3	amend lines 2-3, by striking the following: "by the Missouri
4	Rules of Civil Procedure" and inserting in lieu thereof the
5	following: "as in other civil cases"; and
б	Further amend said bill, page 4, section 535.110, line 2, by
7	striking the opening "[" and closing "]" brackets; and further
8	amend lines 2-3, by striking the following: "by the Missouri
9	Rules of Civil Procedure" and inserting in lieu thereof the
LO	following: "as in other civil cases".

Offered 5/7/14 adopted 5/7/14

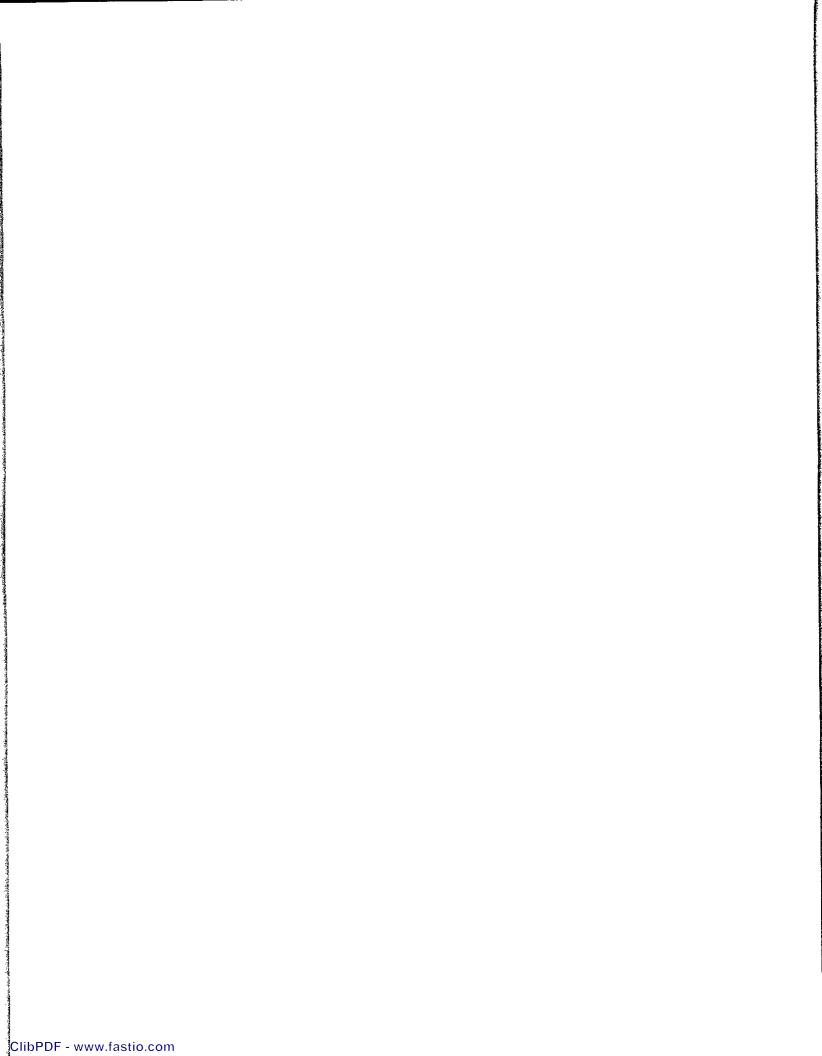


SENATE AMENDMENT NO. 2

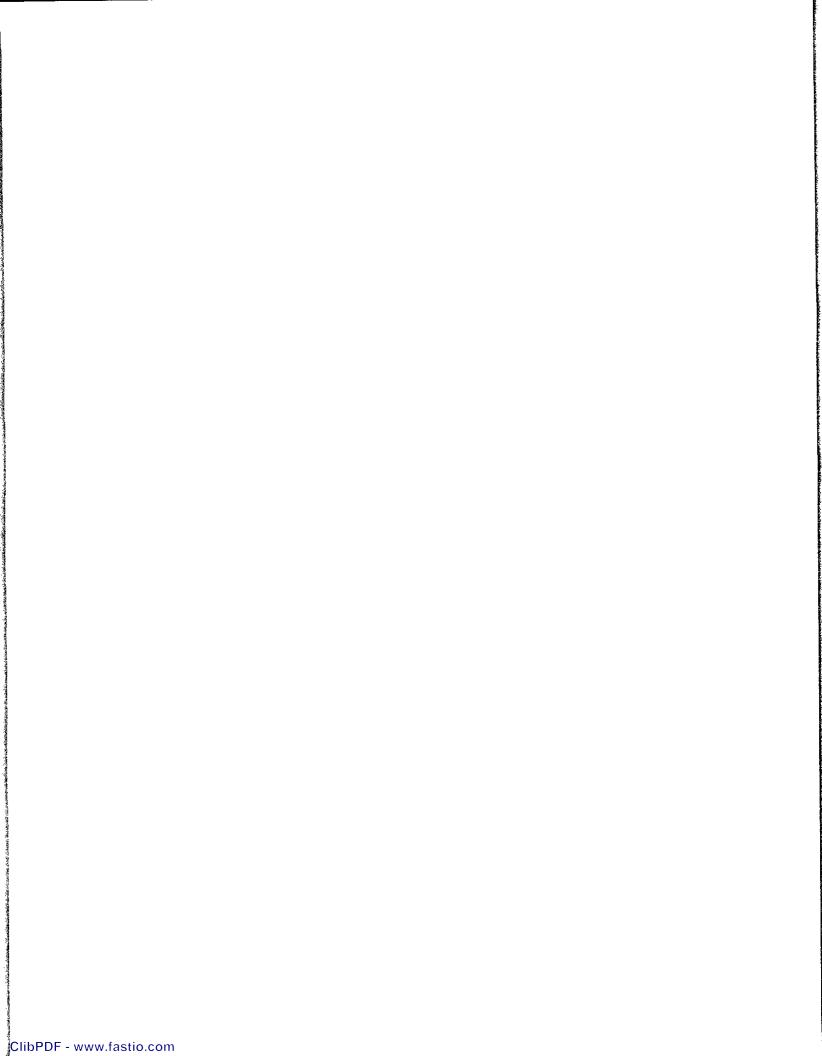
	offered by Kraus of Sth Dist
	Amend SCS/HCS/House Bill No. 1410 , Page 1 , Section A , Line 5
2	by inserting after all of said line the following:
3	"441.005. Except as otherwise provided, when used in
4	chapter 534, chapter 535, or this chapter, the following terms
5	mean:
6	(1) "Landlord", the owner or lessor of the premises or a
7	person authorized by the owner to exercise any aspect of the
8	management of the premises;
9	(2) "Lease", a written or oral agreement for the use or
10	possession of premises;
11	[(2)] (3) "Lessee", any person who leases premises from
12	another[, and any person residing on the premises with the
13	lessee's permission] to the exclusion of others during the rental
14	or lease period and who is obligated to pay rent;
15	[(3)] (4) "Premises", land, tenements, condominium or
16	cooperative units, air rights and all other types of real
17	property leased under the terms of a rental agreement, including
18	any facilities and appurtenances, to such premises, and any
19	grounds, areas and facilities held out for the use of tenants
20	generally or the use of which is promised to the tenant.
21	"Premises" include structures, fixed or mobile, temporary or
22	permanent, vessels, manufactured homes as defined in section
A al	Ufered 5/7/14 Posted 5/7/14



- 700.010, mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage;
 - [(4)] (5) "Rent", a stated payment for the temporary possession or use of a house, land or other real property, made at fixed intervals by a tenant or lessee to a landlord;
 - (6) "Tenant", a person who occupies the premises with the landlord's consent.
 - 441.500. As used in sections 441.500 to 441.643, the following terms mean:
 - (1) "Abatement", the removal or correction, including demolition, of any condition at a property that violates the provisions of any duly enacted building or housing code, as well as the making of such other improvements or corrections as are needed to effect the rehabilitation of the property or structure, including the closing or physical securing of the structure;
 - (2) "Agent", a person authorized by an owner to act for him;
 - (3) "Code enforcement agency", the official, agency, or board that has been delegated the responsibility for enforcing the housing code by the governing body;
 - (4) "Community", any county or municipality;
 - (5) "County", any county in the state;
 - (6) "Dwelling unit", premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;
 - (7) "Governing body", the board, body or persons in which the powers of a community are vested;
 - (8) "Housing code", a local building, fire, health,



- property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;
 - (9) "Local housing corporation", a not-for-profit corporation organized pursuant to the laws of the state of Missouri for the purpose of promoting housing development and conservation within a specified area of a municipality or an unincorporated area;
 - (10) "Municipality", any incorporated city, town, or village;
 - (11) "Neighborhood association", any group of persons organized for the sole purpose of improvement of a particular geographic area having specific boundaries within a municipality, provided that such association is recognized by the municipality as the sole association for such purpose within such geographic area;
 - (12) "Notice of deficiency", a notice or other order issued by the code enforcement agency and requiring the elimination or removal of deficiencies found to exist under the housing code;
 - (13) "Nuisance", a violation of provisions of the housing code applying to the maintenance of the buildings or dwellings which the code official in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare;
 - (14) "Occupant", any person <u>lawfully</u> occupying a dwelling unit as his or her place of residence, <u>either as a tenant or a lessee</u>, whether or not that person is occupying the dwelling unit as a tenant from month to month or under a written lease, undertaking or other agreement;



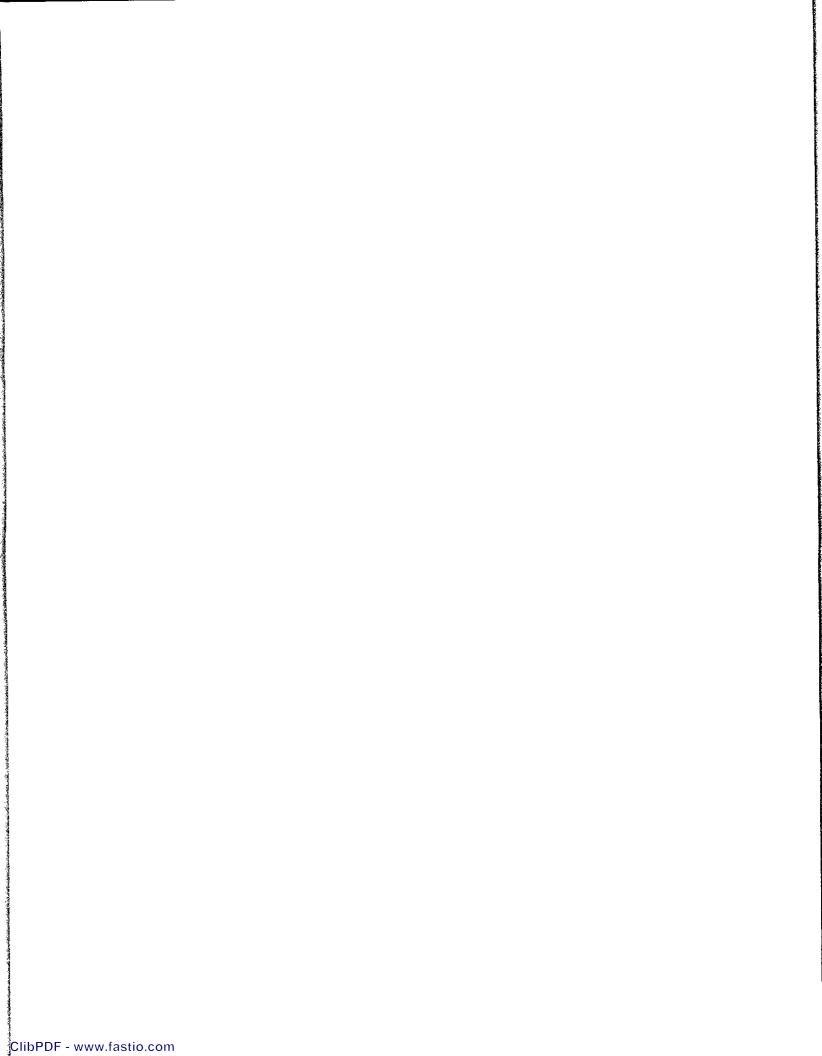
1 (15) "Owner", the record owner or owners, and the
2 beneficial owner or owners when other than the record owner, of
3 the freehold of the premises or lesser estate therein, a
4 mortgagee or vendee in possession, assignee of rents, receiver,

person in control of a dwelling unit;

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

personal representative, trustee, lessee, agent, or any other

- 441.760. <u>1.</u> If the plaintiff has met its burden of proof for a complete eviction but the tenant successfully pleads an affirmative defense to the eviction pursuant to section 441.750, then the court shall not terminate the tenancy but shall order the immediate removal of any person who the court finds conducted the drug-related activity which was the subject of the eviction proceeding.
- 2. If the plaintiff presents evidence that a person is not lawfully occupying a dwelling unit as either a tenant or a lessee, the court shall order the immediate removal of such person unlawfully occupying the dwelling unit.
- 441.770. 1. If the grounds for an eviction have been established pursuant to subsection 1 of section 441.740, the court shall order that the tenant be evicted from the leased property. Following the order, the tenant shall have twenty-four hours to vacate the premises and the landlord shall subsequently have a right to reenter and take possession of the premises.
- 2. If the grounds for a removal have been established pursuant to subsection 2 of section 441.740, the court shall order that those persons found to be engaging in the criminal activity described therein be immediately removed and barred from



the leased property, but the court shall not order the tenancy be terminated.

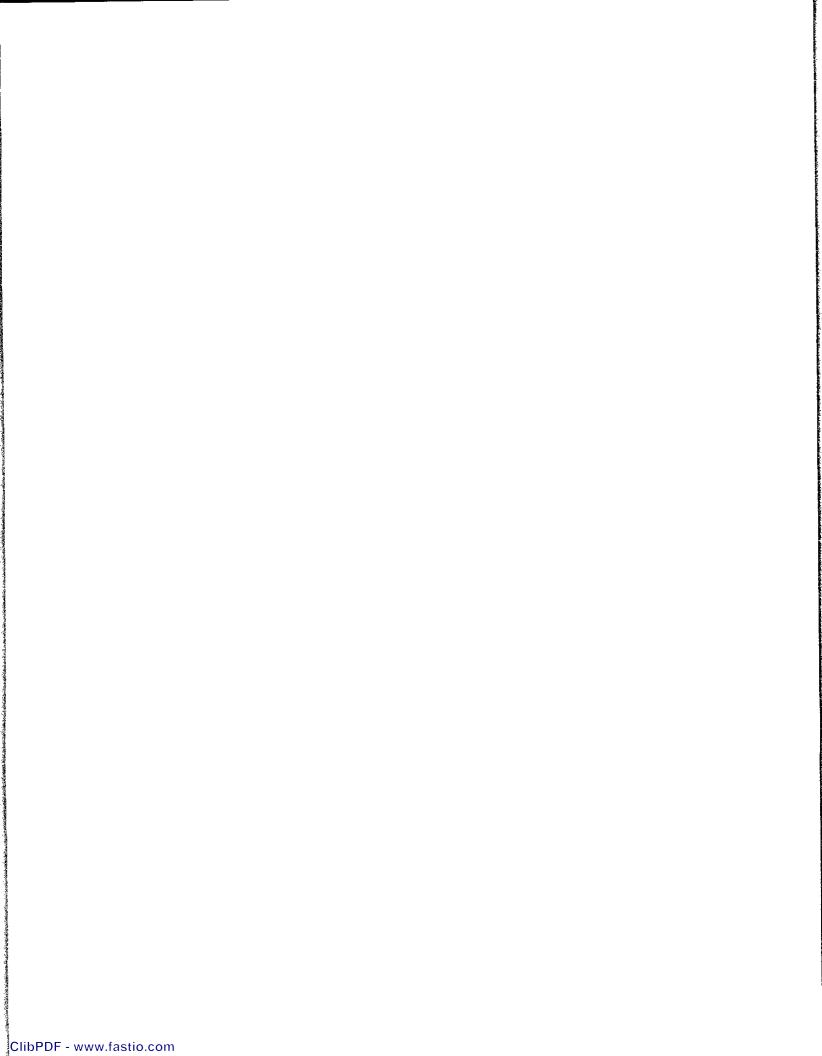
- 3. The court may order the expedited execution of an eviction or removal order by requiring the order's enforcement by the appropriate agency within a specified number of days after final judgment.
- 4. The court may stay execution of an eviction or removal order for a reasonable length of time if the moving party establishes by clear and convincing evidence that immediate removal or eviction would pose a serious danger to the party and that this danger outweighs the safety, health and well-being of the surrounding community and of the plaintiff."; and

Further amend said bill, Page 8, Section 535.210, Line 58, by inserting after all of said line the following:

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

- 2. The defendant shall have the burden of injecting the issue of claim of right.
- 3. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling unit, or the facilities, equipment, or appurtenances thereof, may inject the issue of claim of right."; and
 - Further amend the title and enacting clause accordingly.

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SENATE	AMENDMENT	NO.
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Amend <u>SCS/HCS/House</u> Bill No. <u>1410</u>, Page <u>1</u>, Section <u>A</u>, Line <u>5</u>,

2 by inserting after all of said line the following:

"67.281. 1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. provisions of this section shall expire on December 31, [2019] 2024.

2. Any governing body of any political subdivision that

Affered 5/7/14 adopted 5/7/14

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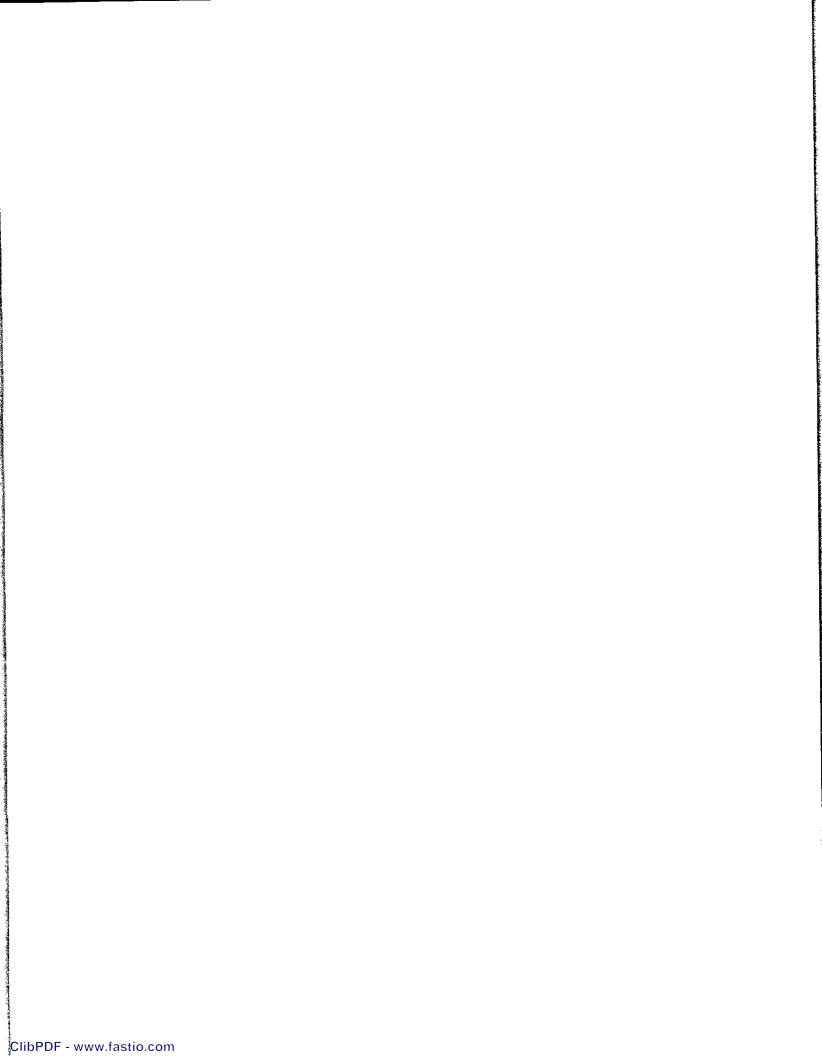
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- adopts the 2009 International Residential Code for One- and
 Two-Family Dwellings or a subsequent edition of such code without
 mandated automatic fire sprinkler systems in Section R313 of such
 code shall retain the language in section R317 of the 2006
 International Residential Code for two-family dwellings (R317.1)
 and townhouses (R317.2)."; and
- 7 Further amend the title and enacting clause accordingly.

