

HCS SB 655 -- PROPERTY

SPONSOR: Kraus (Hoskins)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 14 to 0.

This bill changes the laws regarding property. In its main provisions, the bill:

(1) Changes, from December 31, 2019, to December 31, 2024, the expiration date of the provisions requiring a builder to offer the purchaser of a family dwelling or townhouse the option of installing or equipping fire sprinklers at the purchaser's cost (Section 67.281, RSMo);

(2) Changes the definition of "lessee" from any person who leases premises from another and any person residing on the premises with the lessee's permission to any person who leases premises from another to the exclusion of others during the rental or lease period and who is obligated to pay rent, defines "landlord" as the owner or lessor of the premises or a person authorized by the owner to exercise any aspect of the management of the premises, and defines "tenant" as a person who occupies the premises with the landlord's consent (Section 441.005);

(3) Revises the definition of "occupant" to any person lawfully occupying a dwelling as his or her place of residence, either as a tenant or a lessee (Section 441.500);

(4) Requires the court to order the immediate removal of a person unlawfully occupying the dwelling unit if the plaintiff presents evidence that a person is not lawfully occupying a dwelling as a tenant or a lessee (Section 441.760);

(5) Specifies that a tenant must have 24 hours to vacate the premises following a court order for his or her immediate eviction from the leased property. After the 24 hours, the landlord must subsequently have the right to re-enter and take possession of the premises (Section 441.770);

(6) Removes the option for the right of a trial de novo in forcible entry and unlawful detainer actions and landlord-tenant actions (Section 512.180);

(7) Specifies that any judgment, order, or decree awarding unpaid rent may be revived upon publication consistent with the publication requirements in Section 501.160 and need not be personally served on the defendant (Section 516.350);

(8) Requires all cases regarding forcible entry and unlawful detainer actions to be heard on the record. If the plaintiff in a county with centralized filing has designated the case as one to be heard under the practice and procedure applicable before circuit judges, the case must be heard and determined under the rules of practice and procedure in the Missouri Rules of Civil Procedure instead of those contained in Chapter 517 (Section 534.060);

(9) Removes the requirement that a sheriff must attempt to serve any summons in a landlord-tenant action within four days of the date of issuance and specifies that service must be attempted within four days of the date of issuance (Section 535.210); and

(10) Specifies that any person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling or the facilities, equipment, or appurtenances thereof cannot inject the issue of claim of right (Section 569.130).

PROPONENTS: Supporters say that the bill is a reasoned and measured approach to help landlords and tenants maintain their relationship.

Testifying for the bill were Senator Kraus; Missouri Association of Realtors; and Missouri Apartment Association.

OPPONENTS: There was no opposition voiced to the committee.