

HCS HB 1862 -- LANDLORD-TENANT

SPONSOR: Cross

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 6 to 2. Voted "Do Pass with HCS" by the Select Committee on Judiciary by a vote of 7 to 1.

This bill specifies that for the purpose of restoring possession in a landlord tenant action, judgment must be executed no sooner than 10 days after the judgment.

Currently, if on any date after the date of any original trial, the defendant satisfies the judgment and pays all costs, the execution for possession of the premises must cease and be stayed. The bill requires that in order to cease and stay an execution for possession, the defendant must satisfy the judgment on any date after the date of any original trial and before the judgment becomes final.

The bill specifies that additional conditions of an appeal bond must be to stay waste and to pay all subsequently accruing rent, if any, into court within 10 days after it becomes due. Execution for the purposes of restoring possession must be stayed pending an appeal if the losing party posts a sufficient appeal bond.

This bill specifies that a landlord and tenant may agree in the rental agreement to withhold from the security deposit an amount or fee for specific services that may be required to return the rental premises to its condition at the commencement of the tenancy. Currently, a landlord is authorized to withhold only the amount that is reasonably necessary to restore the dwelling unit to its condition at the commencement of the tenancy, ordinary wear and tear excepted.

This bill is similar to HCS HB 1006 (2015) and HB 1330 (2015).

PROPOSERS: Supporters say that this bill is an attempt to clean up language pertaining to landlord tenant law.

Testifying for the bill were Representative Cross; Missouri Association of Realtors; Missouri Apartment Association; and St. Louis Apartment Association.

OPPOSERS: Those who oppose the bill say that the bill attempts to create a separate type of finality of judgment for landlords than exists for every other type of creditor. Due to the 2013 changes to this area of the law, every county now has a different

interpretation of when this type of judgment becomes final. Rule 85.01 says that when you have a post trial motion, that extends the time you have to appeal, yet this bill gives no such extension when there is a post trial motion; the bill says you have 10 days to file your motion, but the judge must rule in that same 10 day period. The terms of the appeal bond under this bill are unjust.

Testifying against the bill were St. Louis Equal Housing & Opportunity Council; and Empower Missouri.