

SECOND REGULAR SESSION

# HOUSE BILL NO. 2601

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE UNSICKER.

3611H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 441.005, RSMo, and to enact in lieu thereof four new sections relating to protections for immigrant tenants, with penalty provisions.

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

Section A. Section 441.005, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 441.005, 441.025, 535.005, and 700.602, to read as follows:

441.005. Except as otherwise provided, when used in chapter 534, chapter 535, or this chapter, the following terms mean:

(1) **"Immigration or citizenship status", a person's actual or perceived immigration status or citizenship status;**

(2) "Landlord", the owner or lessor of the premises or a person authorized by the owner to exercise any aspect of the management of the premises;

~~[(2)]~~ (3) "Lease", a written or oral agreement for the use or possession of premises;

~~[(3)]~~ (4) "Lessee", 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;

~~[(4)]~~ (5) "Premises", land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. "Premises" include structures, fixed or mobile, temporary or permanent, vessels, manufactured homes as defined in section 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;

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.

17       ~~[(5)]~~ (6) "Rent", a stated payment for the temporary possession or use of a house, land  
18 or other real property, made at fixed intervals by a tenant or lessee to a landlord;

19       ~~[(6)]~~ (7) "Tenant", a person who occupies the premises with the landlord's consent.

**441.025. 1. Except as otherwise provided in this section, a landlord shall not:**

2       (1) Unless required by law or court order, threaten to disclose or actually disclose  
3 information regarding or relating to the immigration or citizenship status of a tenant to  
4 any person, entity, or any immigration or law enforcement agency with the intent of  
5 harassing or intimidating the tenant, retaliating against the tenant for exercising his or her  
6 rights, or influencing the tenant to surrender possession of the premises; or

7       (2) Unless required by law or court order, bring an action to recover possession of  
8 a premises based solely or in part on the immigration or citizenship status of a tenant.

9       2. This section does not:

10       (1) Prohibit a landlord from complying with any legal obligation under federal,  
11 state, or local law including, but not limited to, any legal obligation under any government  
12 program that provides for rent limitations or rental assistance to a qualified tenant or a  
13 subpoena, warrant, or other court order;

14       (2) Prohibit a landlord from requesting information or documentation necessary  
15 to determine or verify the financial qualifications of a prospective tenant;

16       (3) Prohibit a landlord from delivering to the tenant an oral or written notice  
17 regarding conduct by the tenant that violates, may violate, or has violated an applicable  
18 rental agreement, including the lease, or any rule, regulation, or law; or

19       (4) Enlarge or diminish a landlord's right to terminate a tenancy under existing  
20 state or local law, nor does this section enlarge or diminish the ability of a unit of local  
21 government to regulate or enforce a prohibition against a landlord's harassment of a  
22 tenant.

23       3. Nothing in this section prevents a landlord from seeking to collect rent due under  
24 the lease agreement.

25       4. Any waiver of a right under this section by a tenant is void as a matter of public  
26 policy.

27       5. If a landlord engages in prohibited conduct described in subsection 1 of this  
28 section against a tenant, the tenant may bring a civil action to seek any one or more of the  
29 following remedies:

30       (1) Actual damages, as reasonably determined by the court, for injury or loss  
31 suffered;

32       (2) A civil penalty in an amount not to exceed two thousand dollars for each  
33 violation, which shall be payable to the tenant;

34           (3) Reasonable attorney's fees and court costs; and

35           (4) Other equitable relief as the court may deem appropriate and just.

36           6. The immigration or citizenship status of any person is irrelevant to any issue of  
37 liability or remedy in a civil action involving a tenant's housing rights. In proceedings or  
38 discovery undertaken in a civil action involving a tenant's housing rights, no inquiry shall  
39 be permitted into the tenant's immigration or citizenship status except if:

40           (1) Unless otherwise provided in subsection 7 of this section, the claims or defenses  
41 raised by the tenant place the person's immigration or citizenship status directly in  
42 contention; or

43           (2) The person seeking to make the inquiry demonstrates by clear and convincing  
44 evidence that the inquiry is necessary in order to comply with federal law.

45           7. The assertion of an affirmative defense to an eviction action under section  
46 535.005 does not constitute cause for discovery or other inquiry into a person's  
47 immigration or citizenship status.

          535.005. 1. It shall be an affirmative defense to an action maintained under this  
2 chapter if the court finds that the landlord's demand for possession of the premises is based  
3 solely or in part on the:

4           (1) Citizenship or immigration status of the tenant; or

5           (2) Tenant's failure to provide a Social Security number, information required to  
6 obtain a consumer credit report, or a form of identification deemed acceptable by the  
7 landlord and the lease with the tenant has commenced and the tenant has taken possession.

8           2. This section does not:

9           (1) Prohibit a landlord from complying with any legal obligation under federal,  
10 state, or local law including, but not limited to, any legal obligation under any government  
11 program that provides for rent limitations or rental assistance to a qualified tenant or a  
12 subpoena, warrant, or other court order;

13           (2) Prohibit a landlord from requesting information or documentation necessary  
14 to determine or verify the financial qualifications of a prospective tenant;

15           (3) Prohibit a landlord from delivering to the tenant an oral or written notice  
16 regarding conduct by the tenant that violates, may violate, or has violated an applicable  
17 rental agreement, including the lease, or any rule, regulation, or law; or

18           (4) Enlarge or diminish a landlord's right to terminate a tenancy under existing  
19 state or local law, nor does this section enlarge or diminish the ability of a unit of local  
20 government to regulate or enforce a prohibition against a landlord's harassment of a  
21 tenant.

**700.602. No tenant shall be evicted or have his or her lease terminated and no**  
2 **eviction order shall be entered against a tenant as a reprisal for or on the basis of the**  
3 **tenant's immigration or citizenship status, as defined in section 441.005.**

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