

FIRST REGULAR SESSION

HOUSE BILL NO. 938

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CROSSLEY.

2163H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to the reporting of positive rental payment information.

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

Section A. Chapter 441, RSMo, is amended by adding thereto one new section, to be known as section 441.950, to read as follows:

441.950. 1. As used in this section, the following terms mean:

(1) "Assisted housing development", a multifamily rental housing development of five or more units that receives federal or state housing assistance;

(2) "Positive rental payment information", information regarding a tenant's complete, timely payments of rent. The term does not include an instance in which a tenant did not completely or timely make a rental payment.

2. As specified in subsection 3 of this section and except as provided in subsection 10 of this section, any landlord of a dwelling unit of residential real property shall offer any tenant obligated on the lease the option of having the tenant's positive rental payment information reported to at least one nationwide consumer reporting agency that meets the definition in Section 603(p) of the Fair Credit Reporting Act (15 U.S.C. Sec. 1681a(p)) or any other consumer reporting agency that meets the definition in Section 603(f) of the Fair Credit Reporting Act (15 U.S.C. Sec. 1681a(f)) as long as the consumer reporting agency resells or otherwise furnishes rental payment information to a nationwide consumer reporting agency that meets the definition in Section 603(p) of the Fair Credit Reporting Act (15 U.S.C. Sec. 1681a(p)).

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 **3. For leases entered into on and after February 1, 2026, the offer of positive**
18 **rental payment information reporting shall be made at the time of the lease agreement**
19 **and at least once annually thereafter. For leases outstanding as of August 28, 2025, the**
20 **offer of positive rental payment information reporting shall be made no later than**
21 **February 1, 2026, and at least once annually thereafter.**

22 **4. A landlord may provide the offer of positive rental payment information**
23 **reporting required under subsection 2 of this section to the tenant by regular first class**
24 **mail or by email.**

25 **5. The offer of positive rental payment information reporting shall include a**
26 **written election of positive rental payment information reporting that contains all of the**
27 **following:**

28 **(1) A statement that reporting of the tenant's positive rental payment**
29 **information is optional;**

30 **(2) Identification of each consumer reporting agency to which positive rental**
31 **payment information will be reported;**

32 **(3) The amount of any fee charged under subsection 8 of this section;**

33 **(4) Instructions on how to submit the written election of positive rental payment**
34 **information reporting to the landlord by regular first class mail or by email;**

35 **(5) A statement that the tenant may opt into positive rental payment information**
36 **reporting at any time following the initial offer by the landlord;**

37 **(6) A statement that the tenant may elect to stop positive rental payment**
38 **information reporting at any time but that the tenant shall not be able to resume**
39 **positive rental payment information reporting for at least six months after the election**
40 **to opt out;**

41 **(7) Instructions on how to opt out of positive rental payment information**
42 **reporting; and**

43 **(8) A signature block that the tenant shall date and sign in order to accept the**
44 **offer of positive rental payment information reporting.**

45 **6. If the offer of positive rental payment information reporting is made by**
46 **regular first class mail, the landlord shall provide the tenant with a stamped, self-**
47 **addressed envelope to return the written election of positive rental payment information**
48 **reporting.**

49 **7. (1) A tenant may submit the tenant's completed written election of positive**
50 **rental payment information reporting at any time after the tenant receives the offer of**
51 **positive rental payment information reporting from the landlord.**

52 **(2) (a) A tenant may request additional copies of the written election of positive**
53 **rental payment information reporting from the landlord at any time.**

54 (b) A landlord who receives a request from a tenant under this subdivision shall
55 comply with the request.

56 8. (1) If a tenant elects to have that tenant's positive rental payment information
57 reported to a consumer reporting agency under subsection 2 of this section, the landlord
58 may require that tenant to pay a fee not to exceed the lesser of the actual cost to the
59 landlord to provide the service or ten dollars per month. If the landlord does not incur
60 any actual cost to report positive rental payment information, no amount shall be
61 charged. The payment or nonpayment of this fee by the tenant shall not be reported to a
62 consumer reporting agency.

63 (2) An amount tendered in full or partial satisfaction of rent or any other
64 obligation under the lease, however designated by the party tendering the payment,
65 shall not be applied or credited to the fee authorized by this subsection.

66 9. If a tenant fails to pay any fee required by the landlord under subsection 8 of
67 this section, all of the following shall apply:

68 (1) The failure to pay the fee shall not be cause for termination of the tenancy,
69 whether under chapter 534 or otherwise;

70 (2) The landlord shall not deduct the unpaid fee from the tenant's security
71 deposit; and

72 (3) If the fee remains unpaid for thirty days or more, the landlord may stop
73 reporting the tenant's rental payments and the tenant shall not elect positive rental
74 payment information reporting again for a period of six months from the date on which
75 the fee first became due.

76 10. A tenant who elects to have positive rental payment information reported as
77 described in subsection 2 of this section may subsequently file a written request with the
78 tenant's landlord to stop that reporting with which the landlord shall comply. A tenant
79 who elects to stop reporting shall not be allowed to elect positive rental payment
80 information reporting again for a period of at least six months from the date of the
81 tenant's written request to stop reporting.

82 11. This section shall not apply to either of the following:

83 (1) A landlord of a residential rental building that contains fifteen or fewer
84 dwelling units unless both of the following apply:

85 (a) The landlord owns more than one residential rental building regardless of the
86 number of units in each building; and

87 (b) The landlord is one of the following:

88 a. A real estate investment trust, as defined in Section 856 of Title 26 of the
89 United States Code;

90 b. A corporation; or

91 **c. A limited liability company in which at least one member is a corporation; or**
92 **(2) An assisted housing development.**

93 **12. A tenant who elects to have positive rental payment information reported**
94 **does not forfeit any rights under section 441.234. If a tenant makes deductions from**
95 **rent or otherwise withholds rent as authorized by law, the deductions or withholding of**
96 **rent shall not constitute a late rental payment. A tenant invoking the right to repair and**
97 **deduct or withhold rent shall notify the tenant's landlord of the deduction or**
98 **withholding prior to the date rent is due. This subsection shall not be construed to**
99 **relieve a housing provider of the obligation to maintain habitable premises.**

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