

FIRST REGULAR SESSION

HOUSE BILL NO. 35

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

0074L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.117 and 535.300, RSMo, and to enact in lieu thereof two new sections relating to landlord-tenant law.

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

Section A. Sections 32.117 and 535.300, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 32.117 and 535.300, to read as follows:

32.117. 1. Any business firm which engages in the activity of providing a homeless assistance project for low-income persons in the state of Missouri shall receive a tax credit as provided in section 32.115, if the division of community development within the department of economic development annually approves the proposal of the business firm. The proposal shall only be approved if the project is located in a city with a population of four hundred thousand or more inhabitants which is located in more than one county and which serves a mix of rural and urban counties.

2. For purposes of this section "low-income persons" shall mean families or persons with incomes of fifty percent or less of median income adjusted for family size as allowed by the Department of Housing and Urban Development (HUD) under section 8.

3. The purpose of a homeless assistance project shall be to serve low-income families or persons who are experiencing economic crisis caused by one or more of the following:

- (1) Loss of employment;
- (2) Medical disability or emergency;
- (3) Loss or delay of some form of public assistance benefits;
- (4) Natural disaster;
- (5) Substantial change in household composition;

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.

- 18 (6) Victimization by criminal activity;
- 19 (7) Illegal action by a landlord;
- 20 (8) Displacement by government or private action; or
- 21 (9) Some other condition which constitutes a hardship.
- 22 4. The amount of the tax credit shall not exceed fifty-five percent of the value of the
- 23 proposal benefits, which shall include one or more of the following types of benefits to
- 24 low-income persons in order to be eligible:
- 25 (1) Payment of rent or mortgage for not more than three months during any
- 26 twelve-month period;
- 27 (2) Payment to a landlord of a rent deposit or a security deposit for not more than [two]
- 28 **three** months during any twelve-month period;
- 29 (3) Case management services which shall include support services such as child care,
- 30 education resource assistance, job resource assistance, counseling, and resource and referral;
- 31 (4) Outreach services to low-income persons to prevent homelessness;
- 32 (5) Transitional housing facilities with support services.
- 33 5. The homeless assistance program shall give priority to the following types of
- 34 low-income families or individuals:
- 35 (1) Families with minor children who are in imminent danger of removal from the family
- 36 because of a lack of suitable housing accommodation;
- 37 (2) Single parent household;
- 38 (3) Other households with children;
- 39 (4) Households with a disabled household member or a household member who is at
- 40 least sixty-five years of age;
- 41 (5) All other households.
- 42 6. The organization implementing a homeless assistance program pursuant to this section
- 43 shall make annual reports identifying the goal of the program, the number of recipients served,
- 44 the type of services rendered, and moneys expended to provide the program. The program report
- 45 shall be submitted to the governor, speaker of the house of representatives and the president pro
- 46 tem of the senate. These reports shall also be available to the general public upon request.
- 47 7. For each of the fiscal years beginning on July 1, 1991, and July 1, 1992, one million
- 48 dollars in tax credits may be allowed to be used for the homeless assistance pilot project,
- 49 pursuant to this section.
- 535.300. 1. A landlord may not demand or receive a security deposit in excess of [two]
- 2 **three** months' rent.
- 3 2. Within thirty days after the date of termination of the tenancy, the landlord shall:
- 4 (1) Return the full amount of the security deposit; or

5 (2) Furnish to the tenant a written itemized list of the damages for which the security
6 deposit or any portion thereof is withheld, along with the balance of the security deposit. The
7 landlord shall have complied with this subsection by mailing such statement and any payment
8 to the last known address of the tenant.

9 3. The landlord may withhold from the security deposit only such amounts as are
10 reasonably necessary for the following reasons:

11 (1) To remedy a tenant's default in the payment of rent due to the landlord, pursuant to
12 the rental agreement;

13 (2) To restore the dwelling unit to its condition at the commencement of the tenancy,
14 ordinary wear and tear excepted; or

15 (3) To compensate the landlord for actual damages sustained as a result of the tenant's
16 failure to give adequate notice to terminate the tenancy pursuant to law or the rental agreement;
17 provided that the landlord makes reasonable efforts to mitigate damages.

18 4. The landlord shall give the tenant or his representative reasonable notice in writing
19 at his last known address or in person of the date and time when the landlord will inspect the
20 dwelling unit following the termination of the rental agreement to determine the amount of the
21 security deposit to be withheld, and the inspection shall be held at a reasonable time. The tenant
22 shall have the right to be present at the inspection of the dwelling unit at the time and date
23 scheduled by the landlord.

24 5. If the landlord wrongfully withholds all or any portion of the security deposit in
25 violation of this section, the tenant shall recover as damages not more than twice the amount
26 wrongfully withheld.

27 6. Nothing in this section shall be construed to limit the right of the landlord to recover
28 actual damages in excess of the security deposit, or to permit a tenant to apply or deduct any
29 portion of the security deposit at any time in lieu of payment of rent.

30 7. As used in this section, the term "security deposit" means any deposit of money or
31 property, however denominated, which is furnished by a tenant to a landlord to secure the
32 performance of any part of the rental agreement, including damages to the dwelling unit. This
33 term does not include any money or property denominated as a deposit for a pet on the premises.

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