

SECOND REGULAR SESSION

# HOUSE BILL NO. 2191

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HENDERSON.

Read 1<sup>st</sup> time March 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4474L.02I

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### AN ACT

To repeal section 535.210, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant courts.

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

Section A. Section 535.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 535.210, to read as follows:

535.210. 1. [In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson County] **In any county, upon adoption of an ordinance** providing for expenditure of county funds for such purpose, a majority of the circuit court judges[, en banc,] **and associate circuit judges with jurisdiction over such county** may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the [county] **chief executive [of Jackson County] or the governing body of the county**, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.

2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 the giving or taking of possession of residential property and any other equitable relief necessary  
18 to resolve disputes governed by the laws in chapters 441, 524, 534, RSMo, and this chapter.  
19 Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.

20 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall  
21 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall  
22 be residents of [Jackson County] **such county**, and shall receive as annual compensation an  
23 amount equal to one-third of the annual compensation of an associate circuit judge.  
24 Landlord-tenant commissioners shall not accept or handle cases in their practice of law which  
25 are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or  
26 prosecutor for any other court. Landlord-tenant commissioners shall not be considered state  
27 employees and shall not be members of the state employees' or judicial retirement system or be  
28 eligible to receive any other employment benefit accorded state employees or judges.

29 4. A majority of the judges of the circuit court, en banc, shall establish operating  
30 procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be  
31 conducted as in cases tried before an associate circuit judge. The hearing shall be before a  
32 landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative  
33 duty to determine the merits of the evidence presented and the defenses of the defendant and may  
34 question parties and witnesses. Clerks and computer personnel shall be assigned as needed for  
35 the efficient operation of the court.

36 5. The parties to a cause of action before a commissioner of the landlord-tenant court are  
37 entitled to file with the court a motion for a hearing in associate circuit court within ten days after  
38 the mailing, or within ten days after service.

39 6. Operating procedures shall be provided for electronic recording of proceedings at  
40 county expense. Any person aggrieved by a judgment in a case decided under this section shall  
41 have a right to a trial de novo in circuit court, or an appeal to the appropriate appellate court, in  
42 the same manner as would a person aggrieved by a decision of an associate circuit judge under  
43 section 535.110. The procedures for perfecting the right of a trial de novo or appeal shall be the  
44 same as that provided pursuant to sections 512.180 to 512.320, RSMo.

45 7. Any summons issued for the proceedings in the landlord-tenant court shall have a  
46 return date of ten days from the date of service. The sheriff must attempt to serve any summons  
47 within four days of the date of issuance.

48 8. All costs to establish and operate a landlord-tenant court under this section shall be  
49 borne by [Jackson County] **each county adopting an ordinance providing for a landlord-**  
50 **tenant court.**