



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Bill No. 171 entitled:

AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

I disapprove of Senate Committee Substitute for House Bill No. 171. My reasons for disapproval are as follows:

Because of the inclusion of the phrase “[i]n the absence of a written contract to the contrary,” Senate Committee Substitute for House Bill No. 171 permits landlords to attempt to hold tenants contractually liable for rent even after a residence is destroyed by an act of God or other natural or “man-made” disaster.

Under Missouri law, the implied warranty of habitability provides that a leased premises must be habitable and fit for living. A residence that is destroyed by disaster is neither habitable nor fit for living. The phrase “in the absence of a written contract to the contrary” in Senate Committee Substitute for House Bill No. 171, however, would allow a landlord to attempt to contractually require a tenant to pay rent on a residence that was destroyed, thereby calling into question or even nullifying the implied warranty of habitability. As a matter of public policy, tenants should not be liable for rent under these circumstances.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Bill No. 171 without my approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay Nixon".

Jeremiah W. (Jay) Nixon
Governor