

HCS HB 1585 -- LANDLORD-TENANT ACTIONS

SPONSOR: Franz (Cross)

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 10 to 1.

This substitute changes the laws in regards to landlord-tenant actions. In its main provisions, the substitute:

- (1) Allows a landlord, within 14 days of the date of a judgment involving residential property, in the presence of a law enforcement officer to enter and take possession of the premises;
- (2) Specifies that if an unauthorized pet, which includes a pet prohibited by the lease and any animal deemed aggressive, is located on the tenant's property, the landlord may enter for the purpose of removing the pet;
- (3) Requires a court date to be assigned that is not more than 14 business days from the date the summons is issued in a complaint of forcible entry and unlawful detainer unless at the time the case is filed the plaintiff consents in writing to a later date. Currently, the date must be not more than 21 business days;
- (4) Specifies that if a tenant dies, the landlord may mail a notice to the last known address of the deceased tenant explaining that his or her property will be removed from the premises within 10 days. If the property remains at the premises, the property is deemed abandoned and the landlord is not responsible for the property. The landlord may prorate any rent that has already been received from the deceased tenant if the property is removed from the premises during a period for which rent has already been paid. If the landlord reaches an agreement with the next of kin to hold the property beyond the 10 days, the landlord may charge for reasonable and necessary charges associated with storage of the property;
- (5) Requires, within 10 days of a judgment being entered in favor of a landlord for the recovery of premises, a sheriff to inspect the premises for safety prior to the removal of the contents, if any;
- (6) Specifies that a summons in any landlord-tenant action may be served by the sheriff or a private process server as determined by the landlord;
- (7) Requires a case for the recovery of premises to be given a court date that is within 30 days of the return of an executed

summons;

(8) Removes the availability of a trial de novo in landlord-tenant actions;

(9) Allows the landlord, on the date a judgement is entered in favor of the landlord, to enter, inspect, and record the condition of the premises;

(10) Requires a defendant to pay any monetary judgment awarded in favor of the plaintiff within five days of the judgment with certified funds;

(11) Specifies that a landlord who is required to hire an attorney for a proceeding against a tenant must be awarded attorney fees if the landlord prevails in the action against the tenant;

(12) Requires the court to inquire if a tenant appears before a judge in an action for nonpayment of rent, on the record, about the tenant's current residence and place of employment;

(13) Specifies that if the court does not follow the statutory time line for providing a court date and disposing of a landlord-tenant action for eviction, the court costs for the entire case must be automatically waived by the court; and

(14) Specifies that a landlord cannot demand or receive a security deposit in excess of three months' rent. Currently, the maximum is two months' rent.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the longer a tenant who has quit paying rent remains on the property, the more it is susceptible to damage. Imposing shorter time requirements in all areas of landlord-tenant actions is important. The bill will make things more fair to landlords and allow them to have recourse against tenants who disappear owing back rent and/or after damaging the property. An individual renting property needs to have personal responsibility for the care of the property.

Testifying for the bill were Representatives Cross and Schoeller; Missouri Apartment Association; Missouri Association of Realtors; and Richard Jones.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the key is to

make this issue as fair as possible for both parties. The law is fair for people to conduct business as a landlord and for those attempting to find housing as a tenant.

Testifying on the bill was Missouri Associate Circuit Judge Voluntary Fund.