

SCS HCS HB 1410 -- LANDLORD TENANT ACTIONS

This bill changes the laws regarding landlord tenant actions. In its main provisions, the bill:

- (1) Changes, from December 31, 2019, to December 31, 2024, the expiration date of the provisions requiring a builder of one- or two-family dwellings to offer a purchaser the option to have fire sprinklers installed at the purchaser's cost;
- (2) Modifies the definition of "lessee" by restricting it to only a person who leases premises from another to the exclusion of others during the rental or lease period and who is obligated to pay rent. Currently, the definition of "lessee" includes any person residing on the premises with the lessee's permission;
- (3) Adds statutory definitions for the terms "landlord" and "tenant" and revises the definition of "occupant" as a person lawfully occupying a dwelling either as a tenant or a lessee;
- (4) Specifies that if the plaintiff presents evidence that a person is not lawfully occupying a dwelling unit as a tenant or a lessee, the court must order the immediate removal of the person;
- (5) Specifies that following a court order for immediate eviction, the tenant must have 24 hours to vacate the premises. The landlord must subsequently have the right to re-enter and take possession of the rental premises;
- (6) Removes landlord-tenant actions and forcible entry and detainer actions from the list of actions in which an aggrieved party by a judgment in a civil case must have the right of a trial de novo;
- (7) Requires all cases regarding forcible entry and unlawful detainer to be heard on the record. If the plaintiff has designated the case as one to be heard under the practice and procedure applicable before circuit judges, the case must be heard and determined under the rules of practice and procedure provided in the Missouri Rules of Civil Procedure instead of those in Chapter 517;
- (8) Requires the service of a summons issued in a landlord-tenant proceeding in Jackson County to be attempted within four days of the date of issuance. Currently, the sheriff must attempt to serve the summons within four days of the date of issuance; and
- (9) Specifies that a tenant who willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased

structure or dwelling unit or its facilities, equipment, or appurtenances may not inject the issue of claim of right.