

FIRST REGULAR SESSION

HOUSE BILL NO. 1001

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCANN BEATTY.

1992H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 82, RSMo, by adding thereto one new section relating to abandoned real property in certain cities.

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

Section A. Chapter 82, RSMo, is amended by adding thereto one new section, to be known as section 82.462, to read as follows:

82.462. 1. Except as provided in subsection 3 of this section, a person who is not the owner of real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned, may enter upon the premises of the real property to do the following:

(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be abandoned;

(2) Upon a good faith determination based upon the inspection that the property is abandoned, perform any of the following actions:

(a) Secure the real property;

(b) Remove trash or debris from the grounds of the real property;

(c) Landscape, maintain, or mow the grounds of the real property; or

(d) Remove or paint over graffiti on the real property.

2. A person who enters upon the premises and conducts the actions permitted in subsection 1 of this section and who makes a good faith determination based upon the inspection that the property is abandoned is immune from claims of civil and criminal trespass and all other civil liability therefor, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

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 **3. In the case of real property that is subject to a mortgage or deed of trust, the**
19 **creditor holding the debt secured by the mortgage or deed of trust shall not enter upon the**
20 **premises of the real property under subsection 1 of this section if entry is barred by an**
21 **automatic stay issued by a bankruptcy court.**

22 **4. For purposes of this section, "abandoned" property means:**

23 **(1) A vacant, unimproved lot zoned residential or commercial for which the owner**
24 **is in violation of a municipal nuisance or property maintenance code;**

25 **(2) With respect to actions taken under this section by a creditor holding a lien**
26 **interest in the property, a property which contains a structure or building which has been**
27 **continuously unoccupied by persons legally entitled to possession for at least six months**
28 **prior to entry under this section and the creditor's debt secured by such lien interest has**
29 **been continuously delinquent for not less than three months; or**

30 **(3) With respect to actions taken under this section by persons other than creditors,**
31 **a property which contains a structure or building which has been continuously unoccupied**
32 **by persons legally entitled to possession for at least six months prior to entry under this**
33 **section, and for which the owner is in violation of a municipal nuisance or property**
34 **maintenance code, and for which either:**

35 **(a) Ad valorem property taxes are delinquent; or**

36 **(b) The property owner has failed to comply with any municipal ordinance**
37 **requiring registration of vacant property, or the municipality has determined the structure**
38 **to be uninhabitable due to deteriorated conditions.**

39 **5. This section shall apply only to real property located in any home rule city with**
40 **more than four hundred thousand inhabitants and located in more than one county.**

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