

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 243 & 544

100TH GENERAL ASSEMBLY

1009H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to victims of certain crimes.

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

Section A. Chapter 441, RSMo, is amended by adding thereto one new section, to be known as section 441.920, to read as follows:

441.920. 1. For purposes of this section, the following terms mean:

(1) "Domestic violence", as such term is defined in section 455.010;

(2) "Sexual assault", as such term is defined in section 455.010;

(3) "Stalking", as such term is defined in section 455.010.

2. No applicant, tenant, or lessee shall be denied tenancy, be evicted from the premises, or found to be in violation of a lease agreement on the basis of or as a direct result of the fact that the applicant, tenant, or lessee is, has been, or is in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking if the applicant, tenant, or lessee otherwise qualifies for tenancy or occupancy in the premises.

3. In any action brought by a landlord against a tenant under this chapter, chapter 534, or chapter 535, a tenant shall have an affirmative defense and not be liable for rent for the period after which the tenant vacates the premises owned by the landlord if, by a preponderance of the evidence, the court finds that the tenant was a victim or was in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking and the tenant notified the landlord and has provided any requested documentation under subsection 4 of this section.

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.

17 **4. An applicant, tenant, or lessee shall qualify for the protections under this section**
18 **if he or she provides a statement of such domestic violence, sexual assault, or stalking to**
19 **his or her landlord or the property owner. If the landlord or property owner requests, the**
20 **applicant, tenant, or lessee shall provide documentation of the domestic violence, sexual**
21 **assault, or stalking, which may be in any of the following forms:**

22 **(1) A document signed by an employee, agent, or volunteer of a victim service**
23 **provider, an attorney, or a health care professional or mental health professional from**
24 **whom the victim has sought assistance relating to domestic violence, sexual assault,**
25 **stalking, or the effects of abuse stating that, under penalty of perjury, the individual**
26 **believes in the occurrence of the incident of domestic violence, sexual assault, or stalking**
27 **that is the ground for protection, and that the incident meets the applicable definition of**
28 **domestic violence, sexual assault, or stalking. Such document shall be signed by the victim;**
29 **or**

30 **(2) A record of a federal, state, or local law enforcement agency, including a police**
31 **report, a court, or an administrative agency pertaining to the alleged incident of domestic**
32 **violence, sexual assault, or stalking.**

33 **5. The submission of false information by an applicant, tenant, or lessee under this**
34 **section may be a basis for a denial of tenancy, eviction, or a violation of a lease agreement.**

35 **6. Any landlord or property owner may impose a reasonable termination fee on a**
36 **tenant or lessee who desires to terminate a lease before the expiration date of such lease**
37 **under the provisions of this section. Such termination fee shall be outlined in the lease**
38 **agreement.**

39 **7. The provisions of this section shall only apply to residential properties.**

✓