

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2336**  
**100TH GENERAL ASSEMBLY**

3207H.05C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To amend chapter 64, RSMo, by adding thereto one new section relating to property regulations by certain counties.

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

Section A. Chapter 64, RSMo, is amended by adding thereto one new section, to be  
2 known as section 64.207, to read as follows:

**64.207. 1. The county commission of any county of the first classification with more  
2 than one hundred fifty thousand but fewer than two hundred thousand inhabitants may  
3 adopt rules, regulations, or ordinances to ensure the habitability of rented residences.**

**4 2. The rules, regulations, or ordinances shall require each rented residence provide:**

**5 (1) Structural protection from the elements;**

**6 (2) Access to water service, including hot water;**

**7 (3) Sewer service;**

**8 (4) Access to electrical service;**

**9 (5) Heat to the residence; and**

**10 (6) Basic security, which, at a minimum, shall include locking doors and windows.**

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**12 If a utility service is unavailable because a tenant fails to pay for service, the unavailability  
13 shall not be a violation of the rules, regulations, or ordinances.**

**14 3. If a county elects to enact rules, regulations, or ordinances under this section, at  
15 a minimum, they shall contain the following provisions:**

**16 (1) (a) The county commission shall create a process for selecting a designated  
17 officer to respond to written complaints of the condition of a rented residence that  
18 threatens the health or safety of tenants;**

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.

19           **(b) Any written complaint under this section shall be submitted by a tenant who**  
20 **is a lawful tenant that has signed a lease agreement with the property owner or his or her**  
21 **agent, and which tenant is current on all rent due;**

22           **(2) The owner of record of any rental residence against which a written complaint**  
23 **has been submitted shall be served with adequate notice. The notice shall specify the**  
24 **condition alleged in the complaint and state a reasonable date that abatement of the**  
25 **condition shall commence. Notice shall be served by personal service or certified mail,**  
26 **return receipt requested, or, if those methods are unsuccessful, by publication;**

27           **(3) The owner of record and any other person who has an interest in the rented**  
28 **residence shall be parties in a hearing under subdivision (4) of this subsection;**

29           **(4) If work to abate the condition does not commence by the date stated in the**  
30 **notice or if the work does not proceed continuously and without unnecessary delay, as**  
31 **determined by the designated officer, the complaint shall be given a hearing before the**  
32 **county commission. Parties shall be given at least ten days' notice of the hearing. Any**  
33 **party may be represented by counsel, and all parties shall have an opportunity to be heard.**  
34 **If the county commission finds that the rented residence has a dangerous condition that is**  
35 **detrimental to the health, safety, or welfare of the tenant, the county commission shall issue**  
36 **an order that the condition be abated. The order shall state specific facts, based on**  
37 **competent and substantiated evidence, that support its finding. If the county commission**  
38 **finds that the rented residence does not have a dangerous condition that is detrimental to**  
39 **the health, safety, or welfare of the tenant, the county commission shall not issue an order;**  
40 **and**

41           **(5) Any violation of the order issued by the county commission may be punished**  
42 **by a penalty, which shall not exceed a class C misdemeanor. Each day a violation**  
43 **continues shall be deemed a separate violation. Any penalty enacted in the rules,**  
44 **regulations, or ordinances shall not be the exclusive punishment for the condition. The**  
45 **designated officer may, in his or her own name or in the name of the county, seek and**  
46 **obtain any judicial relief provided under equity or law including, but not limited to, civil**  
47 **fines authorized under section 49.272, declaratory relief, and injunctive relief. The**  
48 **designated officer may declare the continued occupancy of the rented residence unlawful**  
49 **while the condition or conditions remain unabated.**

50           **4. The county commission shall only have the authority to respond to written**  
51 **complaints submitted to the county commission and shall not have the authority to:**

52           **(1) Charge any fee for any action authorized under this section;**

53           **(2) Perform any inspection of rented residences unless in response to a written**  
54 **complaint; or**

55           **(3) Require licensing, registration, or certification of a rental unit on a regular**  
56 **schedule or before offering a residence for rent.**

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