

HCS HB 749 -- LANDLORD-TENANT ACTIONS

SPONSOR: Cross

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 15 to 0.

This substitute changes the laws regarding landlord-tenant actions.

The substitute removes the ability of a trial de novo in civil actions between a landlord and a tenant under Chapter 535, RSMo (Sections 512.180, 534.060, 535.030, 535.110, 535.160, 535.170, 535.200, and 535.210).

The substitute allows a landlord to contact the appropriate local animal control officer or animal shelter to have an unauthorized pet removed from the property or terminate the lease agreement if an unauthorized pet is located on the tenant's property. An "unauthorized pet" is a pet prohibited by the lease or any local ordinance or any animal deemed aggressive (Section 534.055).

If a judgment is entered in favor of a landlord for recovery of the premises, the sheriff of the county in which the premises are located may, within 10 days of the judgment, inspect the premises for the sole purpose of determining safety prior to the removal of any contents as required by the court (Section 535.020).

The substitute changes, from 10 days to 3 days, the time period that a tenant has from the entry of a judgment to submit payment to the court for all damages, costs, and rent due or he or she forfeits his or her right to apply for an appeal (Section 535.110).

If a tenant appears before a judge in an action for nonpayment of rent, the court must inquire on the record about the tenant's current residence and current place of employment (Section 535.190).

PROPOSERS: Supporters say that the bill attempts to put possession of the property quickly back in the hands of the landlord. Currently, it can take several months for a landlord to get access to the court and receive a judgment against a tenant, which is difficult to actually collect. Being able to obtain legal possession of the property in a short period of time is crucial so that it is not sitting empty and not collecting rental income.

Testifying for the bill were Representative Cross; Ray Beeman; Robert Walburn; Missouri Association of Realtors; Russell Simmons; and Steve Lightner, Missouri Apartment Association.

OPPONENTS: Those who oppose the bill say that the duties imposed on sheriff departments to inspect rental properties are not proper. There are current court remedies in place that are better suited for this function. Sheriff departments already have limited resources and being required to conduct the safety inspections will be an even greater burden and could potentially open up the departments to civil liability.

Testifying against the bill was Missouri Sheriffs Association.

OTHERS: Others testifying on the bill say that sheriff departments are not currently set up to be a safety inspector nor do they have the time or resources to conduct the inspection of rental properties. Eliminating trial de novo is crucial. The bill needs to be careful that it does not slow down the process of allowing the parties to get into court quickly.

Testifying on the bill were Kari DeMarce, Associate Circuit Judge; and Missouri Associate Circuit Judge Voluntary Fund.