

SECOND REGULAR SESSION

HOUSE BILL NO. 1861

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CROSS.

5056H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 441.040, 441.740, and 441.770, RSMo, and to enact in lieu thereof three new sections relating to tenant evictions.

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

Section A. Section 441.040, 441.740, and 441.770, RSMo, is repealed and three new
2 section enacted in lieu thereof, to be known as sections 441.040, 441.740, and 441.770, to read
3 as follows:

441.040. **1.** If any tenant violates the provisions of section 441.020 or 441.030, the
2 landlord, or person holding under the landlord, after giving ten days' notice to vacate the
3 premises, shall have a right to reenter the premises and take possession of the premises, or to
4 oust the tenant, subtenant or undertenant of any person on the premises with the permission of
5 the lessee, sublessee or underlessee by the procedure specified by law. The landlord shall have
6 the burden to prove that the premises were being used for the illegal possession, sale or
7 distribution of controlled substances under a petition filed for that reason, but the landlord shall
8 not be liable for any damages resulting from the landlord's reliance on written notification to the
9 landlord by a law enforcement authority that the premises are being used for the illegal conduct
10 described in section 441.020.

**2. Any tenant required to vacate the premises under this section shall obtain
11 written permission from the landlord or owner of the property to enter the premises at any
12 time in the future. If the tenant receives such written permission, the tenant shall not
13 remain on the premises for more than seventy-two hours.**
14

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.

441.740. 1. The court shall, subject to the provisions of sections 441.750 and 441.880, order the immediate eviction of a tenant as set forth in section 441.770, or issue an order pursuant to section 441.830, if it finds any of the following:

(1) An emergency situation where dispossession of the tenant by other, less expeditious legal means would, because of the passage of time, imminently cause with a reasonable certainty either of the following:

(a) Physical injury to other tenants or the lessor; or

(b) Physical damage to lessor's property and the reasonable cost to repair such damage exceeds an amount equal to twelve months of rent; for the purposes of this paragraph, the term "rent" shall include the amount owed by the tenant along with any subsidy owed from any third party; No action shall be taken under this subdivision unless the lessor first makes a reasonable attempt to abate the emergency situation through public law enforcement authorities or local mental health services personnel authorized to take action pursuant to section 632.300, et seq., as appropriate[.] ;

(2) Drug-related criminal activity has occurred on or within the property leased to the tenant;

(3) The property leased to the tenant was used in any way to further, promote, aid or assist in drug-related criminal activity;

(4) The tenant, a member of the tenant's household or a guest has engaged in drug-related criminal activity either within, on or in the immediate vicinity of the leased property;

(5) The tenant has given permission to or invited a person to enter onto or remain on any portion of the leased property, and the tenant did so knowing that the person had been removed or barred from the leased property pursuant to the provisions of sections 441.710 to 441.880; or

(6) The tenant has failed to promptly notify the plaintiff that a person whom the plaintiff previously had removed from the property leased by the tenant, with the knowledge of the tenant, has returned to, entered onto or remained on the property leased by the tenant.

2. The court shall, subject to the provisions of section 441.880, order the immediate removal of any person who engages in criminal activity described in this section on or in the immediate vicinity of the leased property. Persons removed from the leased premises pursuant to this section shall be immediately barred from entering onto or remaining on any portion of the leased property **but may be permitted to enter the property in the future for a period of time not to exceed seventy-two hours if such persons obtain written permission from the landlord or owner of the leased property.**

441.770. 1. If the grounds for an eviction have been established pursuant to subsection 1 of section 441.740, the court shall order that the tenant be evicted from the leased property **and may be permitted to enter the property in the future for a period of time not to exceed**

4 **seventy-two hours if the tenant obtains written permission from the landlord or owner of**
5 **the leased property.** Following the order, the tenant shall have twenty-four hours to vacate the
6 premises and the landlord shall subsequently have a right to reenter and take possession of the
7 premises.

8 2. If the grounds for a removal have been established pursuant to subsection 2 of section
9 441.740, the court shall order that those persons found to be engaging in the criminal activity
10 described therein be immediately removed and barred from the leased property, **except that such**
11 **persons may enter such property in the future for a period of time not to exceed seventy-**
12 **two hours if they obtain written permission by the landlord or owner of the leased**
13 **property,** but the court shall not order the tenancy be terminated.

14 3. The court may order the expedited execution of an eviction or removal order by
15 requiring the order's enforcement by the appropriate agency within a specified number of days
16 after final judgment.

17 4. The court may stay execution of an eviction or removal order for a reasonable length
18 of time if the moving party establishes by clear and convincing evidence that immediate removal
19 or eviction would pose a serious danger to the party and that this danger outweighs the safety,
20 health and well-being of the surrounding community and of the plaintiff.

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