

HOUSE BILL NO. 136

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

0573H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 441 and 443, RSMo, by adding thereto two new sections relating to loans obtained through a certain federal program.

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

Section A. Chapters 441 and 443, RSMo, are amended by adding thereto two new sections, to be known as sections 441.415 and 443.182, to read as follows:

441.415. 1. Notwithstanding any provision of law, if a landlord received a loan through the federal Paycheck Protection Program (PPP) because of COVID-19 and that PPP loan has been forgiven by the United States Small Business Administration (SBA), the landlord shall be prohibited from recovering any overdue rent that would have been covered by the PPP loan. As used in this section, "COVID-19" means the international outbreak of respiratory disease named "coronavirus disease 2019", abbreviated as "COVID-19", caused by the new coronavirus named "SARS-CoV-2".

2. If a landlord brings a civil action against a tenant to recover overdue rent subject to the provisions of this section, the landlord shall pay any legal fees incurred by the tenant in the attempt to recover the overdue rent.

3. (1) If a landlord has recovered overdue rent from a tenant that would have been subject to the provisions of this section, the landlord shall return such rent.

(2) If:

(a) The landlord has recovered overdue rent from a tenant that would have been subject to the provisions of this section;

(b) The tenant brings a civil action against the landlord to recover such rent; and

(c) The court determines that the tenant is entitled to such rent,

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.

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19 in addition to the rent, the court shall award interest in an amount the court deems
20 appropriate.

443.182. 1. Notwithstanding any provision of law, if a mortgage company received
2 a loan through the federal Paycheck Protection Program (PPP) because of COVID-19 and
3 that PPP loan has been forgiven by the United States Small Business Administration
4 (SBA), the mortgage company shall be prohibited from foreclosing on any mortgagor
5 whose mortgage payment would have been covered by the PPP loan. As used in this
6 section, "COVID-19" means the international outbreak of respiratory disease named
7 "coronavirus disease 2019", abbreviated as "COVID-19", caused by the new coronavirus
8 named "SARS-CoV-2".

9 2. If a mortgage company brings a civil action against a mortgagor to recover
10 mortgage payments subject to the provisions of this section, the mortgage company shall
11 pay any legal fees incurred by the mortgagor in the attempt to recover the mortgage
12 payments.

13 3. (1) If a mortgage company has recovered mortgage payments from a mortgagor
14 that would have been subject to the provisions of this section, the mortgage company shall
15 return such payments.

16 (2) If:

17 (a) The mortgage company has recovered mortgage payments from a mortgagor
18 that would have been subject to the provisions of this section;

19 (b) The mortgagor brings a civil action against the mortgage company to recover
20 such payments; and

21 (c) The court determines that the mortgagor is entitled to such payments,

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23 in addition to the payments, the court shall award interest in an amount the court deems
24 appropriate.

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