

FIRST REGULAR SESSION

HOUSE BILL NO. 174

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASHINGTON.

0434H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 535.040, RSMo, and to enact in lieu thereof six new sections relating to landlord-tenant actions.

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

Section A. Section 535.040, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 534.142, 534.155, 534.157, 535.040, 535.065, and 535.067, to read as follows:

534.142. 1. If a defendant was personally served a summons under subsection 1 of section 534.090, no judgment shall be entered until at least sixty days after the defendant was personally served. If the summons was executed as provided in subsection 2 of section 534.090, the court shall not enter any judgment until at least ninety days after notice was executed under subsection 2 of section 534.090.

2. A judgment shall not include any interest or late fees if the landlord or tenant received any financial assistance or other moneys from any government agency toward the payment of rent for the property rented.

534.155. If, after a judgment under this chapter, the defendant is unable to locate the proper party to which to pay the judgment, such judgment shall be removed or abated after two years from the date of judgment. The provisions of this section shall apply only if the title of the rented property has transferred within two years after the entry of the judgment.

534.157. 1. All transfers of title of real property for rental properties with outstanding collectible judgments shall be filed in the circuit court within thirty days after transfer of title.

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.

4 **2. Within thirty days of transfer of title of real property for rental properties with**
5 **outstanding collectible judgments, the seller and buyer of the property shall notify tenants**
6 **in writing of the new ownership.**

535.040. 1. Upon the return of the summons executed, the judge shall set the case on
2 the first available court date and shall proceed to hear the cause, and if it shall appear that the rent
3 which is due has been demanded of the tenant, lessee or persons occupying the property, and that
4 payment has not been made, and if the payment of such rent, with all costs, shall not be tendered
5 before the judge, on the hearing of the cause, the judge shall render judgment that the landlord
6 recover the possession of the premises so rented or leased, and also the debt for the amount of
7 the rent then due, with all court costs and shall issue an execution upon such judgment,
8 commanding the officer to put the landlord into immediate possession of the property leased or
9 rented, and to make the debt and costs of the goods and chattels of the defendant. No money
10 judgment shall be granted to the plaintiff if the defendant is in default and service was by the
11 posting procedure provided in section 535.030 unless the defendant otherwise enters an
12 appearance. The officer shall deliver possession of the property to the landlord within five days
13 from the time of receiving the execution, and the officer shall proceed upon the execution to
14 collect the debt and costs, and return the writ, as in the case of other executions. If the plaintiff
15 so elects, the plaintiff may sue for possession alone, without asking for recovery of the rent due.

16 2. Except for willful, wanton, or malicious acts or omissions, neither the landlord nor
17 his or her successors, assigns, agents, nor representatives shall be liable to any tenant or
18 subtenant for loss or damage to any household goods, furnishings, fixtures, or any other personal
19 property left in or at the dwelling by the tenant or subtenant of such dwelling, by the reason of
20 the landlord's removal or disposal of the property under a court-ordered execution for possession
21 of the premises.

22 3. Notwithstanding the provisions of subsection 2 of this section, if, after the sheriff has
23 completed the court-ordered execution, property is left by the tenant in or at the dwelling bearing
24 a conspicuous permanent label or marking identifying it as the property of a third party, the
25 landlord shall notify the third party by certified mail with a return receipt requested. The third
26 party shall be given an opportunity to recover such property within five business days of the date
27 such notice is received. If the landlord is unable to notify the third party, the landlord may
28 remove or dispose of such property and shall incur no liability for any loss or damage thereto.

29 **4. If a defendant was personally served a summons under subsection 1 of section**
30 **535.030, no judgment shall be entered until at least sixty days after the defendant was**
31 **personally served. If the summons was executed as provided in subsection 2 or 3 of section**
32 **535.030, the court shall not enter any judgment until at least ninety days after notice was**
33 **executed under subsection 2 or 3 of section 535.030.**

34 **5. A judgment shall not include any interest or late fees if the landlord or tenant**
35 **received any financial assistance or other moneys from any government agency toward the**
36 **payment of rent for the property rented.**

535.065. If, after a judgment under this chapter, the defendant is unable to locate
2 **the proper party to which to pay the judgment, such judgment shall be removed or abated.**
3 **The provisions of this section shall apply only if the title of the rented property has**
4 **transferred within two years after the entry of the judgment.**

535.067. 1. All transfers of title of real property for rental properties with
2 **outstanding collectible judgments shall be filed in the circuit court within thirty days after**
3 **transfer of title.**

4 **2. Within thirty days of transfer of title of real property for rental properties with**
5 **outstanding collectible judgments, the seller and buyer of the property shall notify tenants**
6 **in writing of the new ownership.**

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