

SECOND REGULAR SESSION

HOUSE BILL NO. 1894

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROGERS.

3619H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 140.190 and 140.981, RSMo, and to enact in lieu thereof two new sections relating to land banks.

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

Section A. Sections 140.190 and 140.981, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 140.190 and 140.981, to read as follows:

2 140.190. 1. On the day mentioned in the notice, the county collector shall commence
2 the sale of such lands, and shall continue the same from day to day until each parcel assessed
3 or belonging to each person assessed shall be sold as will pay the taxes, interest and charges
4 thereon, or chargeable to such person in said county.

5 2. The person or land bank agency offering at said sale to pay the required sum for a
6 tract shall be considered the purchaser of such land; provided, no sale shall be made to any
7 person or designated agent who is currently delinquent on any tax payments on any property,
8 other than a delinquency on the property being offered for sale, and who does not sign an
9 affidavit stating such at the time of sale. Failure to sign such affidavit as well as signing a
10 false affidavit may invalidate such sale. No bid shall be received from any person not a
11 resident of the state of Missouri or a foreign corporation or entity all deemed nonresidents. A
12 nonresident shall file with said collector an agreement in writing consenting to the jurisdiction
13 of the circuit court of the county in which such sale shall be made, and also filing with such
14 collector an appointment of some citizen of said county as agent of said nonresident, and
15 consenting that service of process on such agent shall give such court jurisdiction to try and
16 determine any suit growing out of or connected with such sale for taxes. After the delinquent
17 auction sale, any certificate of purchase shall be issued to the agent. After meeting the

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.

18 requirements of section 140.405, the property shall be conveyed to the agent on behalf of the
19 nonresident, and the agent shall thereafter convey the property to the nonresident.

20 3. All such written consents to jurisdiction and selective appointments shall be
21 preserved by the county collector and shall be binding upon any person or corporation
22 claiming under the person consenting to jurisdiction and making the appointment herein
23 referred to; provided further, that in the event of the death, disability or refusal to act of the
24 person appointed as agent of said nonresident the county clerk shall become the appointee as
25 agent of said nonresident.

26 4. No person residing in:

27 (1) Any home rule city with more than seventy-one thousand but fewer than seventy-
28 nine thousand inhabitants; or

29 (2) **That portion of any city with more than four hundred thousand inhabitants**
30 **and located in more than one county that is located in any county with more than two**
31 **hundred thirty thousand but fewer than two hundred sixty thousand inhabitants**

32

33 shall be eligible to offer to purchase lands under this section unless such person has, no later
34 than ten days before the sale date, demonstrated to the satisfaction of the official charged by
35 law with conducting the sale that the person is not the owner of any parcel of real property
36 that has two or more violations of the municipality's building or housing codes. A
37 prospective bidder may make such a demonstration by presenting statements from the
38 appropriate collection and code enforcement officials of the municipality. This subsection
39 shall not apply to any taxing authority or land bank agency, and entities shall be eligible to bid
40 at any sale conducted under this section without making such a demonstration.

140.981. 1. Any:

2 (1) Home rule city with more than seventy-one thousand but fewer than seventy-nine
3 thousand inhabitants; or

4 (2) **Portion of any city with more than four hundred thousand inhabitants and**
5 **located in more than one county that is located in any county with more than two**
6 **hundred thirty thousand but fewer than two hundred sixty thousand inhabitants**

7

8 may establish a land bank agency for the management, sale, transfer, and other disposition of
9 interests in real estate owned by such land bank agency. Any such land bank agency shall be
10 established to foster the public purpose of returning land, including land that is in a
11 nonrevenue-generating, nontax-producing status, to use in private ownership. A city may
12 establish a land bank agency by ordinance, resolution, or rule, as applicable.

13 2. A land bank agency shall not own any interest in real estate located wholly or
14 partially outside the city that established the land bank.

15 3. The beneficiaries of the land bank agency shall be the taxing authorities that held
16 or owned tax bills against the respective parcels of real estate acquired by such land bank
17 agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250, and their
18 respective interests in each parcel of real estate shall be to the extent and in proportion to the
19 priorities determined by the court on the basis that the principal amount of their respective tax
20 bills bore to the total principal amount of all of the tax bills described in the judgment.

21 4. A land bank agency created under the land bank act shall be a public body
22 corporate and politic and shall have permanent and perpetual duration until terminated and
23 dissolved in accordance with the provisions of section 140.1012.

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