

HOUSE BILL NO. 607

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

1458H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 64, RSMo, by adding thereto one new section relating to property regulations by certain counties.

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

Section A. Chapter 64, RSMo, is amended by adding thereto one new section, to be known as section 64.207, to read as follows:

64.207. 1. The county commission of any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants may adopt rules, regulations, or ordinances to ensure the habitability of rented residences.

2. The rules, regulations, or ordinances shall require each rented residence provide:

(1) Structural protection from the elements;

(2) Access to water service, including hot water;

(3) Sewer service;

(4) Access to electrical service;

(5) Heat to the residence; and

(6) Basic security, which, at a minimum, shall include locking doors and windows.

If a utility service is unavailable because a tenant fails to pay for service, the unavailability shall not be a violation of the rules, regulations, or ordinances.

3. If a county elects to enact rules, regulations, or ordinances under this section, at a minimum, they shall contain the following provisions:

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.

16 **(1) (a) The county commission shall create a process for selecting a designated**
17 **officer to respond to written complaints of the condition of a rented residence that**
18 **threatens the health or safety of tenants;**

19 **(b) Any written complaint under this section shall be submitted by a tenant who**
20 **is a lawful tenant who has signed a lease agreement with the property owner or his or her**
21 **agent, and which tenant is current on all rent due;**

22 **(2) The owner of record of any rented residence against which a written complaint**
23 **has been submitted shall be served with adequate notice. The notice shall specify the**
24 **condition alleged in the complaint and state a reasonable date that abatement of the**
25 **condition shall commence. Notice shall be served by personal service or certified mail,**
26 **return receipt requested, or, if those methods are unsuccessful, by publication;**

27 **(3) The owner of record and any other person who has an interest in the rented**
28 **residence shall be parties in a hearing under subdivision (4) of this subsection;**

29 **(4) If work to abate the condition does not commence by the date stated in the**
30 **notice or if the work does not proceed continuously and without unnecessary delay, as**
31 **determined by the designated officer, the complaint shall be given a hearing before the**
32 **county commission. Parties shall be given at least ten days' notice of the hearing. Any**
33 **party may be represented by counsel, and all parties shall have an opportunity to be heard.**
34 **If the county commission finds that the rented residence has a dangerous condition that is**
35 **detrimental to the health, safety, or welfare of the tenant, the county commission shall issue**
36 **an order that the condition be abated. The order shall state specific facts, based on**
37 **competent and substantiated evidence, that support its finding. If the county commission**
38 **finds that the rented residence does not have a dangerous condition that is detrimental to**
39 **the health, safety, or welfare of the tenant, the county commission shall not issue an order;**
40 **and**

41 **(5) Any violation of the order issued by the county commission may be punished**
42 **by a penalty, which shall not exceed a class C misdemeanor. Each day a violation**
43 **continues shall be deemed a separate violation. Any penalty enacted in the rules,**
44 **regulations, or ordinances shall not be the exclusive punishment for the condition. The**
45 **designated officer may, in his or her own name or in the name of the county, seek and**
46 **obtain any judicial relief provided under equity or law including, but not limited to, civil**
47 **finances authorized under section 49.272, declaratory relief, and injunctive relief. The**
48 **designated officer may declare the continued occupancy of the rented residence unlawful**
49 **while the condition or conditions remain unabated.**

50 **4. The county commission shall only have the authority to respond to written**
51 **complaints submitted to the county commission and shall not have the authority to:**

- 52 **(1) Charge any fee for any action authorized under this section;**
- 53 **(2) Perform any inspection of rented residences unless in response to a written**
- 54 **complaint; or**
- 55 **(3) Require licensing, registration, or certification of a rented residence on a**
- 56 **regular schedule or before offering a residence for rent.**

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