

FIRST REGULAR SESSION

# SENATE BILL NO. 365

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time January 26, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0479S.03I

## AN ACT

To repeal section 347.048, RSMo, and to enact in lieu thereof one new section relating to real property owned by limited liability companies, with penalty provisions.

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

Section A. Section 347.048, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 347.048, to read as follows:

347.048. 1. **(1)** Any limited liability company that owns and rents or  
2 leases real property, or owns unoccupied real property, located within any home  
3 rule city with a population of more than four hundred thousand inhabitants  
4 which is located in more than one county, shall file with that city's clerk an  
5 affidavit listing the name and **street** address of at least one **natural** person who  
6 has management control and responsibility for the real property owned and  
7 leased or rented by the limited liability company, or owned by the limited liability  
8 company and unoccupied.

9 **(2) Within thirty days following the cessation of management**  
10 **control and responsibility of any natural person named in an affidavit**  
11 **described in this section, a limited liability company shall file a**  
12 **successor affidavit with the clerk listing the name and street address**  
13 **of a natural person successor.**

14 **2. No limited liability company shall be charged a fee for filing**  
15 **an affidavit or successor affidavit required under this section.**

16 **3. If a limited liability company required by this section to file**  
17 **an affidavit or a successor affidavit fails or refuses to file said**  
18 **completed affidavit with the appropriate clerk, any person who is**  
19 **adversely affected by the failure or refusal or the home rule city may**  
20 **petition the circuit court in the county where the property is located**

21 to direct the execution and filing of such document.

22 4. (1) Any limited liability company required to file an affidavit  
23 under this section that fails or refuses to file such affidavit shall be  
24 subject to a fine by the city in an amount equal to five hundred dollars  
25 per day.

26 (2) If, after ninety consecutive days of failing to file an affidavit  
27 under this section, a limited liability company still fails to file such  
28 affidavit, the city may petition the circuit court where the property is  
29 located for a judicial declaration of abandonment of the property and  
30 upon a finding of abandonment judicial transfer of ownership of the  
31 property to the city, if:

32 (a) The property has been continuously unoccupied by persons  
33 legally entitled to possession for at least six months prior to the filing  
34 of the petition;

35 (b) The taxes are delinquent on the property; and

36 (c) The property is a nuisance, as defined in section 447.620.

37 5. (1) There is hereby created in the state treasury the "Homes  
38 for Veterans, Elderly, and Low-Income Families Fund", which shall  
39 consist of money collected under this section. The state treasurer shall  
40 be custodian of the fund. In accordance with sections 30.170 and 30.180,  
41 the state treasurer may approve disbursements. The fund shall be a  
42 dedicated fund and money in the fund shall be used solely by the  
43 Missouri housing development commission for the purpose of providing  
44 grants to veterans, the elderly, and low-income families who need to  
45 maintain and improve their place of domicile. In considering to whom  
46 grants shall be disbursed, the commission shall give preference to  
47 applicants at or below one hundred thirty-three percent of the federal  
48 poverty level.

49 (2) Notwithstanding the provisions of section 33.080 to the  
50 contrary, any moneys remaining in the fund at the end of the biennium  
51 shall not revert to the credit of the general revenue fund.

52 (3) The state treasurer shall invest moneys in the fund in the  
53 same manner as other funds are invested. Any interest and moneys  
54 earned on such investments shall be credited to the fund.

55 (4) The Missouri housing development commission shall  
56 promulgate rules to administer the fund created by this  
57 subsection. Any rule or portion of a rule, as that term is defined in

58 section 536.010 that is created under the authority delegated in this  
59 section shall become effective only if it complies with and is subject to  
60 all of the provisions of chapter 536, and, if applicable, section  
61 536.028. This section and chapter 536 are nonseverable and if any of  
62 the powers vested with the general assembly pursuant to chapter 536,  
63 to review, to delay the effective date, or to disapprove and annul a rule  
64 are subsequently held unconstitutional, then the grant of rulemaking  
65 authority and any rule proposed or adopted after August 28, 2017, shall  
66 be invalid and void.

67 (5) For purposes of this subsection, the term "veteran" shall mean  
68 any person defined as a veteran by the United States Department of  
69 Veterans' Affairs, or its successor agency.

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Bill

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