

SECOND REGULAR SESSION

HOUSE BILL NO. 1969

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

4436H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

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

Section A. Sections 441.233 and 535.010, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 441.233, 441.235, and 535.010, to read as follows:

441.233. 1. Except as provided in ~~[section]~~ **sections 441.065 and 441.235**, a landlord or its agent who removes or excludes a tenant or the tenant's personal property from the premises without judicial process and court order, or causes such removal or exclusion, or causes the removal of the doors or locks to such premises, shall be deemed guilty of forcible entry and detainer as described in chapter 534.

2. Any landlord or its agent who willfully diminishes services to a tenant by interrupting or causing the interruption of essential services, including but not limited to electric, gas, water, or sewer service, to the tenant or to the premises shall be deemed guilty of forcible entry and detainer as described in chapter 534; provided however, this section shall not be applicable if a landlord or its agent takes such action for health or safety reasons.

441.235. 1. For the purposes of this section, the term "premises" means real property leased under the terms of a rental agreement for commercial or business purposes and shall not include real property used for residential or agricultural purposes.

2. Notwithstanding the provisions of section 535.020, unless provided otherwise in the lease, if a tenant is delinquent in paying rent for a period of more than forty-five

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.

6 consecutive days, the landlord may reenter and take possession of the premises without
7 judicial process and court order if the landlord:

8 (1) At least forty-five days before reentering the premises notifies the tenant of the
9 default in the payment of rent due by first-class mail or by posting written notice on the
10 premises; and

11 (2) Mails a second notice of the tenant's default in the payment of rent due by
12 certified mail or posts such notice on the premises ten days prior to reentering the
13 property. This second notice shall include a statement that the rent on the property has
14 been due and unpaid and that if the rent remains due and unpaid for more than forty-five
15 consecutive days, the landlord may reenter the premises and remove and dispose of the
16 possessions and personal property on the premises unless the tenant pays all the rent due
17 within ten days of the landlord mailing or posting the second notice.

18 3. If the tenant refuses or fails to pay rent due within ten days of the mailing or
19 posting of the second notice required by subdivision (2) of subsection 2 of this section, the
20 landlord shall have a lien upon and may seize and sell as much personal property of the
21 tenant located on the premises and not exempted by law as is necessary to secure payment
22 of the rent.

23 4. The landlord shall have no liability for loss of or damage to any personal
24 property left in or at the premises by reason of the landlord's removal or sale of the
25 property in accordance with provisions of this section.

535.010. In all cases in which lands and tenements are or shall be rented or leased, and
2 default shall be made in the payment of the rents at the time or times agreed upon by the parties,
3 it shall be lawful for the landlord to dispossess the tenant and all subtenants and recover
4 possession of the premises rented or leased, in the manner herein provided **or as provided in**
5 **section 441.235.**

✓