

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/HCS/House Bill No. 1410, Page 1, Section A, Line 5,

2 by inserting after all of said line the following:

3 "441.005. Except as otherwise provided, when used in
4 chapter 534, chapter 535, or this chapter, the following terms
5 mean:

6 (1) "Landlord", the owner or lessor of the premises or a
7 person authorized by the owner to exercise any aspect of the
8 management of the premises;

9 (2) "Lease", a written or oral agreement for the use or
10 possession of premises;

11 [(2)] (3) "Lessee", any person who leases premises from
12 another[, and any person residing on the premises with the
13 lessee's permission] to the exclusion of others during the rental
14 or lease period and who is obligated to pay rent;

15 [(3)] (4) "Premises", land, tenements, condominium or
16 cooperative units, air rights and all other types of real
17 property leased under the terms of a rental agreement, including
18 any facilities and appurtenances, to such premises, and any
19 grounds, areas and facilities held out for the use of tenants
20 generally or the use of which is promised to the tenant.

21 "Premises" include structures, fixed or mobile, temporary or
22 permanent, vessels, manufactured homes as defined in section

1 700.010, mobile trailer homes and vehicles which are used or
2 intended for use primarily as a dwelling or as a place for
3 commercial or industrial operations or storage;

4 [(4)] (5) "Rent", a stated payment for the temporary
5 possession or use of a house, land or other real property, made
6 at fixed intervals by a tenant or lessee to a landlord;

7 (6) "Tenant", a person who occupies the premises with the
8 landlord's consent.

9 441.500. As used in sections 441.500 to 441.643, the
10 following terms mean:

11 (1) "Abatement", the removal or correction, including
12 demolition, of any condition at a property that violates the
13 provisions of any duly enacted building or housing code, as well
14 as the making of such other improvements or corrections as are
15 needed to effect the rehabilitation of the property or structure,
16 including the closing or physical securing of the structure;

17 (2) "Agent", a person authorized by an owner to act for
18 him;

19 (3) "Code enforcement agency", the official, agency, or
20 board that has been delegated the responsibility for enforcing
21 the housing code by the governing body;

22 (4) "Community", any county or municipality;

23 (5) "County", any county in the state;

24 (6) "Dwelling unit", premises or part thereof occupied,
25 used, or held out for use and occupancy as a place of abode for
26 human beings, whether occupied or vacant;

27 (7) "Governing body", the board, body or persons in which
28 the powers of a community are vested;

29 (8) "Housing code", a local building, fire, health,

1 property maintenance, nuisance or other ordinance which contains
2 standards regulating the condition or maintenance of residential
3 buildings;

4 (9) "Local housing corporation", a not-for-profit
5 corporation organized pursuant to the laws of the state of
6 Missouri for the purpose of promoting housing development and
7 conservation within a specified area of a municipality or an
8 unincorporated area;

9 (10) "Municipality", any incorporated city, town, or
10 village;

11 (11) "Neighborhood association", any group of persons
12 organized for the sole purpose of improvement of a particular
13 geographic area having specific boundaries within a municipality,
14 provided that such association is recognized by the municipality
15 as the sole association for such purpose within such geographic
16 area;

17 (12) "Notice of deficiency", a notice or other order issued
18 by the code enforcement agency and requiring the elimination or
19 removal of deficiencies found to exist under the housing code;

20 (13) "Nuisance", a violation of provisions of the housing
21 code applying to the maintenance of the buildings or dwellings
22 which the code official in the exercise of reasonable discretion
23 believes constitutes a threat to the public health, safety or
24 welfare;

25 (14) "Occupant", any person lawfully occupying a dwelling
26 unit as his or her place of residence, either as a tenant or a
27 lessee, whether or not that person is occupying the dwelling unit
28 as a tenant from month to month or under a written lease,
29 undertaking or other agreement;

1 (15) "Owner", the record owner or owners, and the
2 beneficial owner or owners when other than the record owner, of
3 the freehold of the premises or lesser estate therein, a
4 mortgagee or vendee in possession, assignee of rents, receiver,
5 personal representative, trustee, lessee, agent, or any other
6 person in control of a dwelling unit;

7 (16) "Person", any individual, corporation, association,
8 partnership, or other entity.

9 441.760. 1. If the plaintiff has met its burden of proof
10 for a complete eviction but the tenant successfully pleads an
11 affirmative defense to the eviction pursuant to section 441.750,
12 then the court shall not terminate the tenancy but shall order
13 the immediate removal of any person who the court finds conducted
14 the drug-related activity which was the subject of the eviction
15 proceeding.

16 2. If the plaintiff presents evidence that a person is not
17 lawfully occupying a dwelling unit as either a tenant or a
18 lessee, the court shall order the immediate removal of such
19 person unlawfully occupying the dwelling unit.

20 441.770. 1. If the grounds for an eviction have been
21 established pursuant to subsection 1 of section 441.740, the
22 court shall order that the tenant be evicted from the leased
23 property. Following the order, the tenant shall have twenty-four
24 hours to vacate the premises and the landlord shall subsequently
25 have a right to reenter and take possession of the premises.

26 2. If the grounds for a removal have been established
27 pursuant to subsection 2 of section 441.740, the court shall
28 order that those persons found to be engaging in the criminal
29 activity described therein be immediately removed and barred from

1 the leased property, but the court shall not order the tenancy be
2 terminated.

3 3. The court may order the expedited execution of an
4 eviction or removal order by requiring the order's enforcement by
5 the appropriate agency within a specified number of days after
6 final judgment.

7 4. The court may stay execution of an eviction or removal
8 order for a reasonable length of time if the moving party
9 establishes by clear and convincing evidence that immediate
10 removal or eviction would pose a serious danger to the party and
11 that this danger outweighs the safety, health and well-being of
12 the surrounding community and of the plaintiff."; and

13 Further amend said bill, Page 8, Section 535.210, Line 58,
14 by inserting after all of said line the following:

15 "569.130. 1. A person does not commit an offense by
16 damaging, tampering with, operating, riding in or upon, or making
17 connection with property of another if he or she does so under a
18 claim of right and has reasonable grounds to believe he or she
19 has such a right.

20 2. The defendant shall have the burden of injecting the
21 issue of claim of right.

22 3. No person who, as a tenant, willfully or wantonly
23 destroys, defaces, damages, impairs, or removes any part of a
24 leased structure or dwelling unit, or the facilities, equipment,
25 or appurtenances thereof, may inject the issue of claim of
26 right."; and

27 Further amend the title and enacting clause accordingly.