

1 **BOARD BILL NO. 87 INTRODUCED BY ALDERMAN TERRY KENNEDY**

2 An ordinance prohibiting lessors of residential real property from effectuating
3 illegal, self-help evictions without availing themselves of the appropriate legal processes;
4 containing a penalty clause, severability clause, and an emergency clause.

5 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6 **SECTION 1. Definitions**

7 For the purpose of this chapter the following words or phrases shall have the
8 meaning given herein.

9 A. "Landlord" means the owner or lessor of residential premises or a person
10 authorized by the owner to exercise any aspect of the management of residential
11 premises;

12 B. "Lease" means a written or oral agreement for the use or possession of
13 premises;

14 C. "Tenant" means a person who occupies the premises with the landlord's
15 consent;

16 D. "Premises" means land, tenements, condominium or cooperative units,
17 and all other types of residential real property subject to a lease between a landlord and a
18 tenant, including any facilities and appurtenances to such premises, and any grounds,
19 areas and facilities held out for the use of tenants generally or the use of which is
20 promised to the tenant. "Premises" include structures, fixed or mobile, temporary or
21 permanent, vessels, manufactured homes as defined in Section 700.010 of the Revised
22 Statutes of Missouri, mobile trailer homes and vehicles which are used or intended for
23 use primarily as a dwelling;

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1 E. “Rent” means a stated payment for the temporary possession or use of a
2 house, land or other real property, made at fixed intervals by a tenant to a landlord;

3 F. “Public utility provider” includes every provider of a “public utility,” as
4 that term is defined in Chapter 386 of the Revised Statutes of Missouri and subject to the
5 jurisdiction, control and regulation of the Missouri Public Services Commission.

6 **SECTION 2. The offense of illegal eviction.**

7 A. A landlord, its agent, or any person commits the offense of illegal eviction
8 by removing or excluding a tenant or the tenant's personal property from the premises
9 without judicial process and court order, or by causing such removal or exclusion, or by
10 causing the removal of the doors or locks to such premises, or by willfully diminishing
11 services to a tenant by interrupting or causing the interruption of essential services,
12 including, but not limited to, electric, gas, water, or sewer service, to the premises.

13 B. A person does not commit the offense of illegal eviction by taking action
14 to interrupt or diminish essential services to the premises if such action is taken for
15 legitimate health or safety reasons. Neither shall this section apply to any public utility
16 provider who causes the interruption or diminishment of services to a tenant or a premise.

17 C. Provided that the landlord or its agent acts in full compliance with Section
18 441.065 of the Revised Statutes of Missouri, a person does not commit the offense of
19 illegal eviction if the tenant abandons the premises.

20 **SECTION 3. Nonwaiverability**

21 Any waiver of this provision in any lease or other rental agreement shall be void,
22 except with respect to any restriction on the provision of a service specified in this
23 section imposed by the United States or any agency thereof, or the State of Missouri or

1 any political subdivision thereof, and not resulting from the acts or omissions of the
2 landlord, and except for interruptions of any specified service during the time required to
3 perform necessary repairs or inspections to apparatuses necessary for the delivery of said
4 service or interruptions resulting from natural causes beyond the control of the landlord.

5 **SECTION FOUR. Nonexclusivity of remedy**

6 A tenant may pursue any civil remedy for violation of this section regardless of
7 whether or not a fine has been assessed to the landlord pursuant to this section, and
8 nothing in this ordinance shall reduce the amount that a tenant may recover in such civil
9 action.

10 **SECTION FIVE. Illegal to collect rent for period while tenant is illegally**
11 **evicted.**

12 It shall be unlawful for any landlord or other person, firm, partnership,
13 corporation, or any other legal entity to collect rent from a tenant for a premise for the
14 period that the tenant is or has been illegally evicted from the premises.

15 **SECTION SIX. Penalty for violation.**

16 Any person who violates the provisions of this chapter shall be subject to of a fine
17 of not less than one hundred dollars (\$100.00) nor more than five hundred dollars
18 (\$500.00) or a term of imprisonment not more than ninety (90) days or both a fine and
19 term of imprisonment.

20 **SECTION SEVEN. Severability.**

21 If any provision, clause, sentence, paragraph or word of this ordinance or the
22 application thereof to any person, entity or circumstances shall be held invalid, such
23 invalidity shall not affect the other provisions of this ordinance which can be given effect

- 1 without the invalid provisions or application, and to this end the provisions of this
- 2 ordinance are declared severable.