

FIRST REGULAR SESSION

HOUSE BILL NO. 832

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SANDERS BROOKS (Sponsor), PRATT, LOWE (44), JOHNSON (47), MEINERS, EL-AMIN, BLAND, BROWN (50), HOSKINS, LOW (39), CURLS, BURNETT, LeVOTA, HARRIS (23), HUBBARD, BOYKINS, WALTON AND HUGHES (Co-sponsors).

Read 1st time March 17, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2047L.01I

AN ACT

To amend chapter 213, RSMo, by adding thereto one new section relating to restrictive covenants.

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

Section A. Chapter 213, RSMo, is amended by adding thereto one new section, to be known as section 213.041, to read as follows:

213.041. 1. No declaration or other governing document shall include a restrictive covenant in violation of section 213.040.

2. Notwithstanding any other provision of law or provision of the governing documents, the board of directors of an association shall amend, without approval of the owners, any declaration or other governing document that includes a restrictive covenant, and shall restate the declaration or other governing document without the restrictive covenant but with no other change to the declaration or governing document.

3. If after providing written notice to an association requesting that the association delete a restrictive covenant in violation of section 213.040, and the association fails to delete the restrictive covenant within thirty days of receiving the notice, the Missouri commission on human rights, a city or county in which a common interest development is located, or any person may bring an action against the association for injunctive relief to enforce the provisions of subsections 1 and 2 of this section. The court may award attorney's fees to the prevailing party.

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.