

CCS SCS HB 1553 -- POLITICAL SUBDIVISIONS

(Vetoed by the Governor)

This bill changes the laws regarding political subdivisions. In its main provisions, the bill:

- (1) Adds Christian County to the list of counties that are not required to obtain bids on purchases of \$6,000 or less (Section 50.660, RSMo);
- (2) Adds Christian County to the counties that must advertise and post notice of proposed purchases where the estimated expenditure is \$6,000 or more (Section 50.783);
- (3) Changes, from December 31, 2019, to December 31, 2024, the expiration date of the provisions requiring a builder of one- or two-family dwellings to offer a purchaser the option to have fire sprinklers installed at the purchaser's cost (Section 67.281);
- (4) Exempts specified voluntary annexations from boundary commission review in St. Louis County. The annexation cannot be prohibited by the existence of an established unincorporated area (Section 72.401);
- (5) Authorizes the cities of Columbia, Springfield, Independence, and St. Louis to enact specified ordinances that carry a penalty of up to a \$1,000 fine, up to one year in prison, or both as the City of Kansas City is currently authorized to do (Section 82.300);
- (6) Changes the laws regarding nuisance ordinances and actions in specified counties and cities by:
  - (a) Specifying that a parcel of property is a nuisance if it adversely affects the value of any property within a neighborhood and adds failure to reasonably maintain the property or a violation of a county or municipal building ordinance to the list of actions by the owner of the parcel that determine it to be a nuisance. Currently, a parcel is a nuisance if it adversely affects the property values of a neighborhood due to specified reasons, including neglect or violation of a county or municipal building code or standard;
  - (b) Allowing only a property owner who lives within 1,200 feet of an alleged nuisance property to bring a nuisance action against the owner of the property. Currently, any person who owns property within a reasonable distance from the nuisance property may bring an action;

(c) Specifying that anyone who owns property within 1,200 feet of a property that is alleged to be a nuisance or a neighborhood organization on behalf of any individual who owns property within the boundaries of the organization and who could maintain a nuisance action or on its own behalf with respect to a nuisance on property anywhere within the boundaries of the organization may also bring an action for injunctive relief. Currently, a nuisance action for injunctive relief may only be brought by a neighborhood organization representing any individual who could maintain a nuisance action. An action cannot be brought until 60 days after the party who brings the action has sent written notice of intent to bring an action to the tenant and the property owner of record that includes specified information. When a neighborhood organization files a suit, an officer of the organization or its counsel must certify specified facts to the court;

(d) Adding a neighborhood organization in the City of St. Louis to the provisions allowing a neighborhood association in the City of Kansas City to bring a nuisance action. The bill revises the notice requirements for the action;

(e) Allowing a neighborhood organization in St. Louis City or Kansas City to seek injunctive relief on behalf of an owner or resident of property that is within 1,200 feet of a property on which there is a condition or activity constituting a code or ordinance violation in the neighborhood described in the articles of incorporation or the bylaws of the organization or on its own behalf with respect to a code or ordinance violation on property anywhere within the boundaries of the neighborhood. Currently, only a neighborhood organization representing persons aggrieved by a local code violation in the City of Kansas City may seek injunctive relief;

(f) Repealing the current prohibition on a nuisance action being brought against an owner of residential rental property by a neighborhood organization unless the appropriate municipal code enforcement agency has issued a nuisance violation notice and it remains outstanding for at least 45 days and specifying that any action may not be brought unless the notice of violation has been pending for more than 45 days and the condition or activity that gave rise to the violation has not been abated;

(g) Prohibiting a neighborhood organization from bringing a nuisance action if the organization or any of its directors own real estate or have an interest in a trust, corporation, or other limited liability company that owns real estate in the city or county in which the nuisance property is located;

(h) Specifying that a copy of the notice of citation issued by the

city that shows the date the citation was issued must be prima facie evidence of whether and for how long a citation has been pending against the property or the property owner; and

(i) Repealing a provision specifying that specific provisions must not be construed as to grant standing for a nuisance action in the City of Kansas City in which the alleged nuisance action consists of an interior physical defect of a property or involving a violation of municipal alcoholic beverages laws (Sections 82.1025 - 82.1030);

(7) Changes the provisions regarding the public safety sales tax in the City of Springfield. Currently, every five years the City of Springfield must submit to the voters the question of whether to repeal its public safety sales tax. The bill modifies the ballot language so that the question will be whether to continue the tax. Failure by the voters to approve continuation will result in a repeal of the tax (Section 94.579);

(8) Limits the authority of any municipality in Boone County to override a negative recommendation of its TIF commission to include only a redevelopment plan project, designation, or amendment in which the economic activity taxes and payments in lieu of taxes generated do not exceed the costs associated with the demolition of buildings and the clearing and grading of land (Sections 99.805 and 99.825);

(9) Requires any correspondence by the St. Louis County Assessor with a taxpayer to include in bold, 14-point font a statement that disclosure of the information requested is voluntary and not required by law and that any information disclosed may become public record. This requirement does not apply to a request for information regarding the required listing of property or listing of lessees (Section 137.133);

(10) Updates the description of the City of Springfield in the provision regarding the election of school district directors (Section 162.481);

(11) Adds Saline County to the list of counties within which the board of directors of a public library district may, by majority vote, impose a sales tax not to exceed one-half of one cent on all retail sales for the purpose of funding the operation and maintenance of public libraries within the boundaries of the district. The tax will not become effective unless approved by a majority of the voters of the district (Section 182.802);

(12) Specifies that the directors of any industrial development corporation formed by a municipality in St. Francois County may be

taxpayers and registered voters in the county (Section 349.045);

(13) Prohibits the provisions requiring every judge to examine and superintend court records from being construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file, or communication from a court file or record without notification to the parties and providing the parties an opportunity to respond (Section 483.140); and

(14) Prohibits a nuisance action for deteriorated property from being brought if the owner of the property that is the subject of the action is in good faith compliance with any order issued by the Department of Natural Resources, the United States Environmental Protection Agency, or the Office of the Missouri Attorney General (Section 1).