

HB 1941 -- NUISANCE ACTIONS IN CERTAIN CITIES AND COUNTIES

SPONSOR: Colona

This bill changes the laws regarding certain nuisance actions. In its main provisions, the bill:

(1) Specifies that a nuisance property must also include property that adversely affects the value of any other property within the neighborhood because the owner allows the property to be in a deteriorated condition due to failure to reasonably maintain the property;

(2) Authorizes anyone who owns property within a reasonable distance from the alleged nuisance property to bring an action for injunctive relief to abate the nuisance;

(3) Specifies that when a property owner or neighborhood organization prevails in a nuisance action under these provisions, the owner or organization may be entitled to an award for its reasonable attorney fees and expenses, as ordered by the court and that the award must be entered as a judgment against the owner of the nuisance property and, if the judgment is filed with the recorder of deeds of the city or county in which the property is located, it must constitute a lien against the property;

(4) Redefines "local code violation" as a "code or ordinance violation" under the provisions of a municipal code or ordinance of the certain cities and adds the City of St. Louis to those cities to which the definition applies;

(5) Revises the definition of "nuisance" to include private property in violation of a code or ordinance that injurious to the security of neighboring residents or businesses or that impairs the peaceful enjoyment of other property in the neighborhood;

(6) Specifies that the nuisance provisions in Sections 82.1037 to 82.1030, RSMo, apply to the City of St. Louis;

(7) Specifies that a neighborhood organization representing persons aggrieved by a code or ordinance violation cannot seek injunctive and other relief in the circuit court for abatement of a nuisance until 60 days after the organization sends notice by first class prepaid postage certified mail to:

(a) The tenant, if any, or to the occupant of the property at the property's address if the identity of a tenant cannot reasonably be ascertained; and

(b) The property owner of record at his or her last known address on file with the city or county or, if the property owner is a corporation or limited liability company, to the property owner's registered agent at the agent's address of record;

(8) Specifies that a sworn affidavit by the person who mailed or posted the notice describing the date and manner that notice was given must be prima facie evidence of the giving of the notice;

(9) Expands what the required notice must contain to include the act or condition that constitutes the nuisance and the property address where the act or condition is allegedly occurring or exists;

(10) Prohibits a nuisance action based upon an alleged code or ordinance violation if there is a pending citation against the property or its owner by the city based upon the code or ordinance violation unless the citation has been pending for more than 45 days without resolution. A copy of the notice of citation that shows the date issued must be prima facie evidence of whether and for how long the citation has been pending; and

(11) Specifies that when a neighborhood organization prevails in a nuisance action under Section 82.1029, it may be entitled to an award for its reasonable attorney fees and expenses, as ordered by the court, incurred in bringing and prosecuting the action that must be entered as a judgment against the owner of the nuisance property and that the judgment, if filed for record by the recorder of deeds of the city or county in which the property is located, must constitute a lien against the property.

The bill specifies that the nuisance provisions of Sections 82.1027 to 82.1029 must not be construed to grant standing for an action challenging any zoning application or approval. Currently, the nuisance provisions of Sections 82.1027 to 82.1029 must not be construed to grant standing for an action challenging any zoning application or approval, an action in which the alleged nuisance consists of an interior physical defect of a property, or an action involving any violation of municipal alcoholic beverages laws.