

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 222, Page 9, Section
2 436.337, Line 4, by inserting after all of said section and line the following:

3
4 "442.404. 1. As used in this section, the following terms shall mean:

5 (1) "Homeowners' association", a nonprofit corporation or unincorporated association of
6 homeowners created under a declaration to own and operate portions of a planned community or
7 other residential subdivision that has the power under the declaration to assess association members
8 to pay the costs and expenses incurred in the performance of the association's obligations under the
9 declaration or tenants-in-common with respect to the ownership of common ground or amenities of
10 a planned community or other residential subdivision. This term shall not include a condominium
11 unit owners' association as defined and provided for in subdivision (3) of section 448.1-103 or a
12 residential cooperative;

13 (2) "Political signs", any fixed, ground-mounted display in support of or in opposition to a
14 person seeking elected office or a ballot measure excluding any materials that may be attached;

15 (3) "Solar panel or solar collector", a device used to collect and convert solar energy into
16 electricity or thermal energy, including but not limited to photovoltaic cells or panels, or solar
17 thermal systems.

18 2. (1) No deed restrictions, covenants, or similar binding agreements running with the land
19 shall prohibit or have the effect of prohibiting the display of political signs.

20 (2) A homeowners' association has the authority to adopt reasonable rules, subject to any
21 applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of
22 political signs.

23 (3) A homeowners' association may remove a political sign without liability if such sign is
24 placed within the common ground, threatens the public health or safety, violates an applicable
25 statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the
26 political sign. Subject to the foregoing, a homeowners' association shall not remove a political sign
27 from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has
28 given such homeowner three days after providing written notice to the homeowner, which notice
29 shall specifically identify the rule and the nature of the violation.

30 3. (1) No deed restrictions, covenants, or similar binding agreements running with the land
31 shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or
32 solar collectors on the rooftop of any property or structure.

33 (2) A homeowners' association may adopt reasonable rules, subject to any applicable
34 statutes or ordinances, regarding the placement of solar panels or solar collectors to the extent that
35 those rules do not prevent the installation of the device, impair the functioning of the device, restrict
36 the use of the device, or adversely affect the cost or efficiency of the device.

Action Taken _____ Date _____

1 (3) The provisions of this subsection shall apply only with regard to rooftops that are
2 owned, controlled, and maintained by the owner of the individual property or structure.

3 4. (1) No deed restrictions, covenants, or similar binding agreements running with the land
4 shall prohibit or have the effect of prohibiting the display of sale signs on the property of a
5 homeowner or property owner including, but not limited to, any yard on the property, or nearby
6 street corners.

7 (2) A homeowners' association has the authority to adopt reasonable rules, subject to any
8 applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of
9 sale signs.

10 (3) A homeowners' association may remove a sale sign without liability if such sign is
11 placed within the common ground, threatens the public health or safety, violates an applicable
12 statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the
13 sale sign. Subject to the foregoing, a homeowners' association shall not remove a sale sign from the
14 property of a homeowner or property owner or impose any fine or penalty upon the homeowner or
15 property owner unless it has given such homeowner or property owner three business days after the
16 homeowner or property owner receives written notice from the homeowners' association, which
17 notice shall specifically identify the rule and the nature of the alleged violation.

18 5. (1) No deed restrictions, covenants, or similar binding agreements running with the land
19 shall prohibit or have the effect of prohibiting ownership or pasturing of up to four chickens per two
20 tenths of an acre.

21 (2) A homeowners' association may adopt reasonable rules, subject to applicable statutes or
22 ordinances, regarding ownership or pasturing of chickens, including a prohibition or restriction on
23 ownership or pasturing of roosters."; and
24

25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.