

HB 1258 -- NUISANCE ACTIONS

SPONSOR: Owen

This bill creates new provisions relating to nuisance actions in any county with more than one million inhabitants, and any city or village located within the boundaries of a county with more than one million inhabitants. Upon enactment, these provisions will apply to St. Louis County and any municipality within St. Louis County.

Any property owner who owns property within 1,200 feet of a parcel of property alleged to be a nuisance, as defined in the bill, is authorized to bring a nuisance action against the owner of the offending property for the amount of damage created by the nuisance to the value of the petitioner's property.

Actions for injunctive relief to abate a nuisance may be brought by a neighborhood organization, as defined in the bill, or the owner of property within 1,200 feet of the alleged nuisance.

An action cannot be brought until 60 days after notice of intent to bring an action is mailed to the tenant, if any, and the property owner of record at their last known address on file. The notice will state the nuisance and that legal action may be taken if it is not eliminated within 60 days. If the notice is refused, undeliverable, or signed by a person other than the addressee, a copy must be posted on the property. The content of the notice is provided in the bill.

An action for injunctive relief to abate a nuisance will be heard by the court without a jury and will not require proof that the party bringing the action has sustained damage as a result of the nuisance.

When a property owner or neighborhood organization bringing the action prevails, they may be entitled to an award for attorneys' fees and expenses, as ordered by the court, which will be entered as a judgment against the owner of the nuisance property.

If a property owner sued under this process proves that a condition alleged by the plaintiff to be a nuisance is the subject of an order issued by the Missouri Department of Natural Resources, the United States Environmental Protection Agency, or the Missouri Attorney General, and proves that the property is in compliance with that order, the proof will be an affirmative defense to the plaintiff's claim.

Currently, statute prescribes certain procedures for nuisance actions in St. Louis City and Kansas City. This bill adds any home rule city with a population between 160,000 and 200,000 inhabitants and any home rule city with a population between 71,000 and 79,000 inhabitants to the list of cities these provisions apply to. Upon enactment, this will add Springfield and St. Joseph to these provisions.

The bill allows certain actions for injunctive relief to abate a nuisance to be heard by a court without a jury.

Currently, property owners or neighborhood organizations that prevail in actions brought against owners of commercial or industrial properties can be awarded reasonable attorneys' fees and expenses, as ordered by a court. This bill allows attorneys' fees to be awarded in actions brought against owners of residential properties.

If a property owner sued under this process proves that a condition alleged by the plaintiff to be a nuisance is the subject of an order issued by the Missouri Department of Natural Resources, the United States Environmental Protection Agency, or the Missouri Attorney General, and proves that the property is in compliance with that order, the proof will be an affirmative defense to the plaintiff's claim.