

SECOND REGULAR SESSION

# HOUSE BILL NO. 2435

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

5938H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal section 442.404, RSMo, and to enact in lieu thereof one new section relating to certain homeowners' association restrictions.

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

Section A. Section 442.404, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.404, to read as follows:

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

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

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

(3) "Solar panel or solar collector", a device used to collect and convert solar energy into electricity or thermal energy<sup>[7]</sup> including, but not limited to, photovoltaic cells or panels, or solar thermal systems.

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

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.

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

21 (3) (a) A homeowners' association may remove a political sign without liability if  
22 such sign:

- 23 a. Is placed within the common ground[;];
- 24 b. Threatens the public health or safety[;];
- 25 c. Violates an applicable statute or ordinance[;];
- 26 d. Is accompanied by sound or music[;]; or
- 27 e. If any other materials are attached to the political sign.

28 (b) Subject to ~~[the foregoing]~~ **paragraph (a) of this subdivision**, a homeowners'  
29 association shall not remove a political sign from the property of a homeowner or impose any  
30 fine or penalty upon the homeowner unless it has given such homeowner three days after  
31 providing written notice to the homeowner, which notice shall specifically identify the rule  
32 and the nature of the violation.

33 3. (1) No deed restrictions, covenants, or similar binding agreements running with  
34 the land shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of  
35 solar panels or solar collectors on the rooftop of any property or structure.

36 (2) A homeowners' association may adopt reasonable rules, subject to any applicable  
37 statutes or ordinances, regarding the placement of solar panels or solar collectors to the extent  
38 that those rules do not:

- 39 (a) Prevent the installation of the device[;];
- 40 (b) Impair the functioning of the device[;];
- 41 (c) Restrict the use of the device[;]; or
- 42 (d) Adversely affect the cost or efficiency of the device.

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

45 4. (1) No deed restrictions, covenants, or similar binding agreements running with  
46 the land shall prohibit or have the effect of prohibiting the display of sale signs on the  
47 property of a homeowner or property owner including, but not limited to, any yard on the  
48 property, or nearby street corners.

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

52 (3) (a) A homeowners' association may remove a sale sign without liability if such  
53 sign:

- 54 a. Is placed within the common ground[;];

- 55       **b.** Threatens the public health or safety~~[5]~~;  
56       **c.** Violates an applicable statute or ordinance~~[5]~~;  
57       **d.** Is accompanied by sound or music~~[5]~~; or  
58       **e.** If any other materials are attached to the sale sign.

59       **(b)** Subject to ~~[the foregoing]~~ **paragraph (a) of this subdivision**, a homeowners'  
60 association shall not remove a sale sign from the property of a homeowner or property owner  
61 or impose any fine or penalty upon the homeowner or property owner unless it has given such  
62 homeowner or property owner three business days after the homeowner or property owner  
63 receives written notice from the homeowners' association, which notice shall specifically  
64 identify the rule and the nature of the alleged violation.

65       5. (1) No deed restrictions, covenants, or similar binding agreements running with  
66 the land shall prohibit or have the effect of prohibiting ownership or pasturing of up to six  
67 chickens on a lot that is two-tenths of an acre or larger, including prohibitions against a single  
68 chicken coop designed to accommodate up to six chickens.

69       (2) A homeowners' association may adopt reasonable rules, subject to applicable  
70 statutes or ordinances, regarding ownership or pasturing of chickens, including a prohibition  
71 or restriction on ownership or pasturing of roosters.

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