

FIRST REGULAR SESSION

SENATE BILL NO. 249

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

0163S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 442.404, RSMo, and to enact in lieu thereof one new section relating to restrictive covenants.

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Section A. Section 442.404, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.404, to read as follows: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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 elected office or a ballot measure excluding any materials
19 that may be attached;

20 **(3) "Solar panel or solar collector", a device used to**
21 **collect and convert solar energy into electricity or thermal**
22 **energy, including but not limited to photovoltaic cells or**
23 **panels, or solar thermal systems.**

24 2. **(1)** No deed restrictions, covenants, or similar
25 binding agreements running with the land shall prohibit or
26 have the effect of prohibiting the display of political
27 signs.

28 **[3.] (2)** A homeowners' association has the authority
29 to adopt reasonable rules, subject to any applicable
30 statutes or ordinances, regarding the time, size, place,
31 number, and manner of display of political signs.

32 **[4.] (3)** A homeowners' association may remove a
33 political sign without liability if such sign is placed
34 within the common ground, threatens the public health or
35 safety, violates an applicable statute or ordinance, is
36 accompanied by sound or music, or if any other materials are
37 attached to the political sign. Subject to the foregoing, a
38 homeowners' association shall not remove a political sign
39 from the property of a homeowner or impose any fine or
40 penalty upon the homeowner unless it has given such
41 homeowner three days after providing written notice to the
42 homeowner, which notice shall specifically identify the rule
43 and the nature of the violation.

44 **3. (1) No deed restrictions, covenants, or similar**
45 **binding agreements running with the land shall limit or**
46 **prohibit, or have the effect of limiting or prohibiting, the**
47 **installation of solar panels or solar collectors on the**
48 **rooftop of any property or structure.**

49 (2) A homeowners' association may adopt reasonable
50 rules, subject to any applicable statutes or ordinances,
51 regarding the placement of solar panels or solar collectors
52 to the extent that those rules do not prevent the
53 installation of the device, impair the functioning of the
54 device, restrict the use of the device, or adversely affect
55 the cost or efficiency of the device.

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

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