

# SENATE BILL NO. 820

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

3741S.01H

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Section A. Section 442.404, RSMo, is repealed and one new  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

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

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

16 (2) "Political signs", any fixed, ground-mounted  
17 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 individual property or  
59 structure.

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