

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/HCS/House Bill No. 268, Page 18, Section 135.1350, Line 168,

2 by inserting after all of said line the following:

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

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

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

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

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

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

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

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

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

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

62 4. (1) No deed restrictions, covenants, or similar
63 binding agreements running with the land shall prohibit or
64 have the effect of prohibiting the display of sale signs on
65 the property of a homeowner or property owner including, but
66 not limited to, any yard on the property, or nearby street
67 corners.

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

72 (3) A homeowners' association may remove a sale sign
73 without liability if such sign is placed within the common
74 ground, threatens the public health or safety, violates an
75 applicable statute or ordinance, is accompanied by sound or
76 music, or if any other materials are attached to the sale
77 sign. Subject to the foregoing, a homeowners' association
78 shall not remove a sale sign from the property of a
79 homeowner or property owner or impose any fine or penalty
80 upon the homeowner or property owner unless it has given
81 such homeowner or property owner three business days after
82 the homeowner or property owner receives written notice from
83 the homeowners' association, which notice shall specifically
84 identify the rule and the nature of the alleged violation.

85 5. (1) No deed restrictions, covenants, or similar
86 binding agreements running with the land shall prohibit or
87 have the effect of prohibiting ownership or pasturing of up
88 to six chickens on a lot that is two tenths of an acre or
89 larger.

90 (2) A homeowners' association may adopt reasonable
91 rules, subject to applicable statutes or ordinances,
92 regarding ownership or pasturing of chickens, including a
93 prohibition or restriction on ownership or pasturing of
94 roosters."; and

95 Further amend the title and enacting clause accordingly.