

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1120-01
Bill No.: SB 225
Subject: Real and Personal Property, Courts, and Civil Penalties
Type: Original
Date: February 25, 2019

Bill Summary: This proposal modifies nuisance actions in certain cities.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **City of Kansas City (CKC)** assume this legislation could have a negative fiscal impact on the CKC because although the legislation includes a section limiting its provisions to private property, the CKC is concerned that an argument could be made that the CKC's Land Bank/Homestead Authority property is private property and could then be sued pursuant to this legislation. The CKC's concerns with this legislation would be alleviated if language were added to the Nuisance definition in 82.1027 (3) creating an exception for cities by stating: "...an activity or condition created, performed, maintained, or permitted to exist on private property not owned by the government or municipal entity that constitutes a code or ordinance violation, whether or not the property has been cited by the city or county in which the property is located".

Oversight will reflect the CKC's assumption for this proposal.

Officials at the **Office of the State Courts Administrator**, the **Department of Natural Resources**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume no fiscal impact to their respective organizations from this proposal.

Oversight notes that the Office of the State Courts Administrator, the Department of Natural Resources, the Office of the State Public Defender and the Office of Prosecution Services each has stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, St. Louis County and St. Louis City were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost</u> - potential litigation cost to private property that is owned by a governmental or municipal entity	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies how actions against another property owner whose property is a nuisance are brought in certain cities and counties. Under current law, a property owner has sixty days after receiving notice to eliminate the nuisance before an action can be brought against them. This act changes that to 45 days.

The definitions of the terms "nuisance" and "neighborhood associations", as they are used in this act, are modified. Property owners and neighborhood associations seeking injunctive relief under this act will no longer have to show they are suffering actual damages as a result of the nuisance in order to bring such an action. Additionally, this act permits attorney's fees being awarded in certain circumstances to the party who brought the action.

Finally, this act repeals a defense available to property owners who are acting in good faith to comply with an order issued by the Department of Natural Resources, the U.S. Environmental Protection Agency, or the Office of the Attorney General.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Natural Resources
Office of the State Public Defender
Office of Prosecution Services
City of Kansas City



Kyle Rieman
Director
February 25, 2019

Ross Strobe
Assistant Director
February 25, 2019