

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1662
AN ACT

To repeal sections 442.403, 442.404, and 478.240, RSMo, and to enact in lieu thereof eleven new sections relating to restrictions on real property, with an effective date for a certain section.

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

Section A. Sections 442.403, 442.404, and 478.240, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 64.008, 65.710, 67.137, 71.990, 89.500, 260.295, 442.403, 442.404, 476.095, 478.240, and 535.067, to read as follows:

64.008. 1. As used in this section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

2. A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not:

(1) Prohibit mail order or telephone sales for home-based work;

(2) Prohibit service by appointment within the home or accessory structure;

(3) Prohibit or require structural modifications to the home or accessory structure;

17 (4) Restrict the hours of operation for home-based
18 work; or

19 (5) Restrict storage or the use of equipment that does
20 not produce effects outside the home or accessory structure.

21 3. A zoning ordinance or regulation adopted pursuant
22 to this chapter that regulates home-based work shall not
23 contain provisions that explicitly restrict or prohibit a
24 particular occupation.

25 4. The application of this section does not supersede
26 any deed restriction, covenant, or agreement restricting the
27 use of land nor any master deed, by law or other document
28 applicable to a common interest ownership community.

65.710. 1. As used in this section, the term "home-
2 based work" means any lawful occupation performed by a
3 resident within a residential home or accessory structure,
4 which is clearly incidental and secondary to the use of the
5 dwelling unit for residential purposes and does not change
6 the residential character of the residential building or
7 adversely affect the character of the surrounding
8 neighborhood.

9 2. A zoning ordinance or regulation adopted pursuant
10 to this chapter that regulates home-based work shall not:

11 (1) Prohibit mail order or telephone sales for home-
12 based work;

13 (2) Prohibit service by appointment within the home or
14 accessory structure;

15 (3) Prohibit or require structural modifications to
16 the home or accessory structure;

17 (4) Restrict the hours of operation for home-based
18 work; or

19 (5) Restrict storage or the use of equipment that does
20 not produce effects outside the home or accessory structure.

21 3. A zoning ordinance or regulation adopted pursuant
22 to this chapter that regulates home-based work shall not
23 contain provisions that explicitly restrict or prohibit a
24 particular occupation.

25 4. The application of this section does not supersede
26 any deed restriction, covenant, or agreement restricting the
27 use of land nor any master deed, by law or other document
28 applicable to a common interest ownership community.

2 67.137. No county, city, town, or village in this
3 state shall impose or enforce a moratorium on eviction
4 proceedings unless specifically authorized by the laws of
5 this state.

6 71.990. 1. As used in this section, the following
7 terms mean:

8 (1) "Goods", any merchandise, equipment, products,
9 supplies, or materials;

10 (2) "Home-based business", any business operated in a
11 residential dwelling that manufactures, provides, or sells
12 goods or services and that is owned and operated by the
13 owner or tenant of the residential dwelling.

14 2. Any person who resides in a residential dwelling
15 may use the residential dwelling for a home-based business
16 unless such use is restricted by:

17 (1) Any deed restriction, covenant, or agreement
18 restricting the use of land; or

19 (2) Any master deed, bylaw, or other document
20 applicable to a common-interest ownership community.

21 3. Except as prescribed under subsection 4 of this
22 section, a political subdivision shall not prohibit the
23 operation of a no-impact, home-based business or otherwise
24 require a person to apply for, register for, or obtain any
25 permit, license, variance, or other type of prior approval
26 from the political subdivision to operate a no-impact, home-

22 based business. For the purposes of this section, a home-
23 based business qualifies as a no-impact, home-based business
24 if:

25 (1) The total number of employees and clients on-site
26 at one time does not exceed the occupancy limit for the
27 residential dwelling; and

28 (2) The activities of the business:

29 (a) Are limited to the sale of lawful goods and
30 services;

31 (b) May involve having more than one client on the
32 property at one time;

33 (c) Do not cause a substantial increase in traffic
34 through the residential area;

35 (d) Do not violate any parking regulations established
36 by the political subdivision;

37 (e) Occur inside the residential dwelling or in the
38 yard of the residential dwelling;

39 (f) Are not visible from the street; and

40 (g) Do not violate any narrowly tailored regulation
41 established under subsection 4 of this section.

42 4. A political subdivision may establish reasonable
43 regulations on a home-based business if the regulations are
44 narrowly tailored for the purpose of:

45 (1) Protecting the public health and safety, including
46 regulations related to fire and building codes, health and
47 sanitation, transportation or traffic control, solid or
48 hazardous waste, pollution, and noise control; or

49 (2) Ensuring that the business activity is compliant
50 with state and federal law and paying applicable taxes.

51 5. No political subdivision shall require a person, as
52 a condition of operating a home-based business, to:

53 (1) Rezone the property for commercial use;

54 (2) Obtain a home-based business license; or

55 (3) Install or equip fire sprinklers in a single-
56 family detached residential dwelling or any residential
57 dwelling with no more than two dwelling units.

58 6. Whether a regulation complies with this section is
59 a judicial question.

89.500. 1. As used in this section, the term "home-
2 based work" means any lawful occupation performed by a
3 resident within a residential home or accessory structure,
4 which is clearly incidental and secondary to the use of the
5 dwelling unit for residential purposes and does not change
6 the residential character of the residential building or
7 adversely affect the character of the surrounding
8 neighborhood.

9 2. A zoning ordinance or regulation adopted pursuant
10 to this chapter that regulates home-based work shall not:

11 (1) Prohibit mail order or telephone sales for home-
12 based work;

13 (2) Prohibit service by appointment within the home or
14 accessory structure;

15 (3) Prohibit or require structural modifications to
16 the home or accessory structure;

17 (4) Restrict the hours of operation for home-based
18 work; or

19 (5) Restrict storage or the use of equipment that does
20 not produce effects outside the home or accessory structure.

21 3. A zoning ordinance or regulation adopted pursuant
22 to this chapter that regulates home-based work shall not
23 contain provisions that explicitly restrict or prohibit a
24 particular occupation.

25 4. The application of this section does not supersede
26 any deed restriction, covenant, or agreement restricting the
27 use of land nor any master deed, by law or other document
28 applicable to a common interest ownership community.

260.295. No building code adopted by a political subdivision shall prohibit the use of refrigerants that are approved for use under the provisions of 42 U.S.C. Section 7671k or the regulations promulgated thereunder, provided any related equipment is installed in accordance with the provisions of 42 U.S.C. Section 7671k or the regulations promulgated thereunder. Any provision of a building code that violates this section shall be null and void.

442.403. 1. Any restrictive covenant recitals on property, real or personal, found in any deeds, plats, restrictions, covenants, or other conveyances of any type or nature, filed for record at any time in the office of the recorder of deeds in any county[, which relate] that relate to the race, color, religion, or national origin of any person[,] shall be void and unenforceable[,] and shall be ignored, as if the same never existed.

2. Any person or legal entity with an interest in real property or any agent of such person or entity, shall not incur any liability by reason of the mere existence of a restrictive covenant described in subsection 1 of this section in any document filed for record before May 3, 1948, in any recorder of deeds' office.

3. No deed recorded on or after August 28, 2022, shall contain a reference to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited under subsection 1 of this section. A recorder of deeds may refuse to accept any deed submitted for recording that references the specific portion of any such restrictive covenant. The person who prepares or submits a deed for recording has the responsibility of ensuring that the specific portion of such a restrictive covenant is not specifically referenced in the deed prior to such deed being submitted for recording. A deed may include

26 a general provision that states that such deed is subject to
27 any and all covenants and restrictions of record; however,
28 such provision shall not apply to the specific portion of a
29 restrictive covenant purporting to restrict the ownership or
30 use of the property as prohibited under subsection 1 of this
31 section. Any deed that is recorded after August 27, 2022,
32 that mistakenly contains such a restrictive covenant shall
33 nevertheless constitute a valid transfer of real property.

34 4. Any restrictive covenant prohibited under
35 subsection 1 of this section may be released by the owner of
36 real property subject to such covenant by recording a
37 certificate of release of prohibited covenants. The real
38 property owner may record a certificate either prior to
39 recording of a deed conveying real property to a purchaser
40 or when such real property owner discovers that such
41 prohibited covenant exists and chooses to affirmatively
42 release the same. A certificate may be prepared without
43 assistance of an attorney but shall conform substantially to
44 the following certificate of release of prohibited covenants
45 form:

46 Certificate of Release of Prohibited Covenants

47 Place of record: _____

48 Date of instrument containing prohibited
49 covenant(s): _____

50 Instrument type: _____

51 Deed book _____ page _____ or plat book
52 page _____

53 Name(s) of grantor(s): _____

54 Name(s) of current owner(s): _____

55 Real property description: _____

56 Specific description of prohibited covenant,
57 including a citation to the location within the
58 instrument: _____

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
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.

60 4. (1) No deed restrictions, covenants, or similar
61 binding agreements running with the land shall prohibit or
62 have the effect of prohibiting the display of sale signs on
63 the property of a homeowner or property owner including, but
64 not limited to, any yard on the property, or nearby street
65 corners.

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

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

80 the homeowner or property owner receives written notice from
81 the homeowners' association, which notice shall specifically
82 identify the rule and the nature of the alleged violation.

2 476.095. No court shall impose or enforce a moratorium
3 on eviction proceedings unless specifically authorized by
4 the laws of this state.

5 478.240. 1. The presiding judge of each circuit which
6 is provided by Subsection 3 of Section 15 of Article V of
7 the Constitution shall be selected for a two-year term. The
8 circuit and associate circuit judges in each circuit shall
9 select by secret ballot a circuit judge from their number to
10 serve as presiding judge. Selection and removal procedures,
11 not inconsistent with the rules of the supreme court, may be
12 provided by local court rule. If a presiding judge is
13 disqualified from acting as a judicial officer pursuant to
14 the Constitution, Article V, Section 24, the circuit judges
15 and associate circuit judges of the circuit shall select a
16 circuit judge as presiding judge. If the circuit does not
17 have an eligible judge to be elected presiding judge, then
18 the chief justice of the supreme court may designate an
19 acting presiding judge until a successor is chosen or until
20 the disability of the presiding judge terminates.

21 2. Subject to the authority of the supreme court and
22 the chief justice under Article V of the Constitution, the
23 presiding judge of the circuit shall have general
24 administrative authority over all judicial personnel and
25 court officials in the circuit, including the authority to
26 assign any judicial or court personnel anywhere in the
27 circuit, and shall have the authority to assign judges to
hear such cases or classes of cases as the presiding judge
may designate, and to assign judges to divisions. Such
assignment authority shall include the authority to
authorize particular associate circuit judges to hear and

28 determine cases or classes of cases. By this subsection the
29 presiding judge shall not, however, be authorized to make
30 the following assignments:

31 (1) Assignment of a municipal judge to hear any case
32 other than to initially hear a municipal ordinance violation
33 case of the municipality which makes provision for such
34 municipal judge, except that the presiding judge of a
35 circuit may assign a municipal judge of a municipality
36 within the circuit to hear and determine municipal ordinance
37 violations in a court of another municipality within the
38 circuit if the municipality to which the judge is especially
39 assigned by the presiding judge has made provision for the
40 compensation of such judge;

41 (2) Assignment of a judge to hear the trial of a
42 felony case when he or she has previously conducted the
43 preliminary hearing in that case, unless the defendant has
44 signed a written waiver permitting the same judge to hear
45 both the preliminary hearing and the trial, or unless the
46 defendant has indicated on the record that the defendant is
47 permitting the same judge to hear both the preliminary
48 hearing and the trial;

49 (3) Assignment of a case to a judge contrary to
50 provisions of supreme court rules or local circuit court
51 rules; and

52 (4) Assignment of a case or class of cases not within
53 the class of cases specified in section 472.020 to a circuit
54 judge who is also judge of the probate division and who was
55 on January 1, 1979, a probate judge shall only be with the
56 consent of such judge of the probate division.

57 The general administrative authority of the presiding judge
58 of the circuit as provided in this subsection shall not
59 include authority to impose or enforce a moratorium on
60 eviction proceedings.

61 3. If any circuit judge or associate circuit judge
62 shall proceed to hear and determine any case or class of
63 cases which has not been assigned to him or her by the
64 presiding judge pursuant to subsection 1 or 2 of this
65 section, or to which he or she had not been transferred by
66 the chief justice of the supreme court, or in the event the
67 purported assignment to him or her shall be determined to be
68 defective or deficient in any manner, any order or judgment
69 he or she may have entered may be set aside, as otherwise
70 provided by rule or by law, and the judge may be subject to
71 discipline under Article V, Section 24 of the Missouri
72 Constitution, but he or she shall not be deemed to have
73 acted other than as a judicial officer because of any such
74 absence, defect or deficiency of assignment under this
75 section, or transfer by the chief justice.

535.067. All transfers of title of real property for
2 rental properties with outstanding collectible judgments
3 shall be filed in the circuit court within thirty days after
4 transfer of title.

 Section B. The repeal and reenactment of section
2 442.404 of this act shall become effective January 1, 2023.