

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 400

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Section A. Section 442.404, RSMo, is repealed and one new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
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 (2) A homeowners' association has the authority to
29 adopt reasonable rules, subject to any applicable statutes
30 or ordinances, regarding the time, size, place, number, and
31 manner of display of political signs.

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

83 5. (1) No deed restrictions, covenants, or similar
84 binding agreements running with the land shall prohibit or
85 have the effect of prohibiting ownership or pasturing of up
86 to six chickens per two tenths of an acre.

87 (2) A homeowners' association may adopt reasonable
88 rules, subject to applicable statutes or ordinances,
89 regarding ownership or pasturing of chickens, including a
90 prohibition or restriction on ownership or pasturing of
91 roosters.