

FIRST REGULAR SESSION

# SENATE BILL NO. 400

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1350S.011

KRISTINA MARTIN, 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Section A. Section 442.404, RSMo, is repealed and one new  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

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 four 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.

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