

SECOND REGULAR SESSION

SENATE BILL NO. 1008

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time February 17, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5367S.011

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Section A. Section 442.404, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 442.404, to read as follows:

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

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

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

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

18 2. (1) No deed restrictions, covenants, or similar binding agreements
19 running with the land shall prohibit or have the effect of prohibiting the display

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 of political signs.

21 [3.] (2) A homeowners' association has the authority to adopt reasonable
22 rules, subject to any applicable statutes or ordinances, regarding the time, size,
23 place, number, and manner of display of political signs.

24 [4.] (3) A homeowners' association may remove a political sign without
25 liability if such sign is placed within the common ground, threatens the public
26 health or safety, violates an applicable statute or ordinance, is accompanied by
27 sound or music, or if any other materials are attached to the political
28 sign. Subject to the foregoing, a homeowners' association shall not remove a
29 political sign from the property of a homeowner or impose any fine or penalty
30 upon the homeowner unless it has given such homeowner three days after
31 providing written notice to the homeowner, which notice shall specifically identify
32 the rule and the nature of the violation.

33 **3. (1) No deed restrictions, covenants, or similar binding**
34 **agreements running with the land shall limit or prohibit, or have the**
35 **effect of limiting or prohibiting, the installation of solar panels or solar**
36 **collectors on the rooftop of any property or structure.**

37 **(2) A homeowners' association may adopt reasonable rules,**
38 **subject to any applicable statutes or ordinances, regarding the**
39 **placement of solar panels or solar collectors to the extent that those**
40 **rules do not prevent the installation of the device, impair the**
41 **functioning of the device, restrict the use of the device, or adversely**
42 **affect the cost or efficiency of the device.**

43 **(3) The provisions of this subsection shall apply only with regard**
44 **to rooftops that are owned, controlled, and maintained by the owner of**
45 **the property or structure.**

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