

SECOND REGULAR SESSION

HOUSE BILL NO. 1535

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3052H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 442.404, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.404, to read as follows: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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 ~~[3.]~~ (2) A homeowners' association has the authority to adopt reasonable rules,
19 subject to any applicable statutes or ordinances, regarding the time, size, place, number, and
20 manner of display of political signs.

21 ~~[4.]~~ (3) A homeowners' association may remove a political sign without liability if
22 such sign is placed within the common ground, threatens the public health or safety, violates
23 an applicable statute or ordinance, is accompanied by sound or music, or if any other
24 materials are attached to the political sign. Subject to the foregoing, a homeowners'
25 association shall not remove a political sign from the property of a homeowner or impose any
26 fine or penalty upon the homeowner unless it has given such homeowner three days after
27 providing written notice to the homeowner, which notice shall specifically identify the rule
28 and the nature of the violation.

29 **3. (1) No deed restrictions, covenants, or similar binding agreements running**
30 **with the land shall limit or prohibit, or have the effect of limiting or prohibiting, the**
31 **installation of a solar panel or solar collector on the rooftop of any property or**
32 **structure.**

33 **(2) A homeowners' association may adopt reasonable rules, subject to any**
34 **applicable statutes or ordinances, regarding the placement of solar panels or solar**
35 **collectors to the extent that those rules do not prevent the installation, impair the**
36 **functioning, restrict the use, or adversely affect the cost or efficiency of a solar panel or**
37 **solar collector.**

38 **(3) This subsection shall apply only with regard to rooftops that are owned,**
39 **controlled, and maintained by the owner of the property or structure.**

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