

SCS SB 731 -- NUISANCE ORDINANCES AND ACTIONS

(Vetoed by the Governor--
Overridden by the General Assembly)

This bill changes the laws regarding nuisance ordinances and actions in specified counties and cities by:

(1) Specifying that a parcel of property is a nuisance if it adversely affects the value of any property within a neighborhood and adds failure to reasonably maintain the property or a violation of a county or municipal building ordinance to the list of actions by the owner of the parcel that determine it to be a nuisance. Currently, a parcel is a nuisance if it adversely affects the property values of a neighborhood due to specified reasons, including neglect or violation of a county or municipal building code or standard;

(2) Allowing only a property owner who lives within 1,200 feet of an alleged nuisance property to bring a nuisance action against the owner of the property. Currently, any person who owns property within a reasonable distance from the nuisance property may bring an action;

(3) Specifying that anyone who owns property within 1,200 feet of a property that is alleged to be a nuisance or a neighborhood organization on behalf of any individual who owns property within the boundaries of the organization and who could maintain a nuisance action or on its own behalf with respect to a nuisance on property anywhere within the boundaries of the organization may also bring an action for injunctive relief. Currently, a nuisance action for injunctive relief may only be brought by a neighborhood organization representing any individual who could maintain a nuisance action. An action cannot be brought until 60 days after the party who brings the action has sent written notice of intent to bring an action to the tenant and the property owner of record that includes specified information. When a neighborhood organization files a suit, an officer of the organization or its counsel must certify specified facts to the court;

(4) Adding a neighborhood organization in the City of St. Louis to the provisions allowing a neighborhood association in the City of Kansas City to bring a nuisance action. The bill revises the notice requirements for the action;

(5) Allowing a neighborhood organization in St. Louis City or Kansas City to seek injunctive relief on behalf of an owner or resident of property that is within 1,200 feet of a property on which there is a condition or activity constituting a code or

ordinance violation in the neighborhood described in the articles of incorporation or the bylaws of the organization or on its own behalf with respect to a code or ordinance violation on property anywhere within the boundaries of the neighborhood. Currently, only a neighborhood organization representing persons aggrieved by a local code violation in the City of Kansas City may seek injunctive relief;

(6) Repealing the current prohibition on a nuisance action being brought against an owner of residential rental property by a neighborhood organization unless the appropriate municipal code enforcement agency has issued a nuisance violation notice and it remains outstanding for at least 45 days and specifying that any action may not be brought unless the notice of violation has been pending for more than 45 days and the condition or activity that gave rise to the violation has not been abated;

(7) Prohibiting a neighborhood organization from bringing a nuisance action if the organization or any of its directors own real estate or have an interest in a trust, corporation, or other limited liability company that owns real estate in the city or county in which the nuisance property is located;

(8) Specifying that a copy of the notice of citation issued by the city that shows the date the citation was issued must be prima facie evidence of whether and for how long a citation has been pending against the property or the property owner;

(9) Repealing a provision specifying that specific provisions must not be construed as to grant standing for a nuisance action in the City of Kansas City in which the alleged nuisance action consists of an interior physical defect of a property or involving a violation of municipal alcoholic beverages laws; and

(10) Prohibiting a nuisance action for deteriorated property from being brought if the owner of the property that is the subject of the action is in good faith compliance with any order issued by the Department of Natural Resources, the United States Environmental Protection Agency, or the Office of the Missouri Attorney General.