

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1754

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

4256H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to restrictive covenants.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 442, RSMo, is amended by adding thereto one new section, to be
2 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 portions of a**
4 **planned community or other residential subdivision which has the power under the**
5 **declaration to assess association members to pay the costs and expenses incurred in the**
6 **performance of the association's obligations under the declaration or tenants-in-common**
7 **with respect to the ownership of common ground or amenities of a planned community or**
8 **other residential subdivision and shall not include a condominium unit owners' association**
9 **as defined and provided for in subdivision (3) of section 448.1-103 or a residential**
10 **cooperative;**

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

14 **2. No deed restrictions, covenants, or similar binding agreements running with the**
15 **land shall prohibit or have the effect of prohibiting 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.

16 **3. A homeowners' association has the authority to adopt reasonable rules, subject**
17 **to any applicable statutes or ordinances, regarding the time, size, place, number, and**
18 **manner of display of political signs.**

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

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