

HCS SCS SB 203 -- PROPERTY IN CERTAIN CITIES

SPONSOR: Nasheed (Plocher)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 7 to 4. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 1.

This bill modifies how actions against another property owner whose property is a nuisance are brought in certain cities and counties and specifies how notice of a nuisance is given to the property owner or tenant of the property. The bill modifies how proceedings seeking an injunctive relief against the property owner are conducted.

Currently, a property owner or neighborhood organization seeking injunctive relief must show they are suffering actual damages as a result of the nuisance in order to bring such an action. The bill removes this requirement and permits attorney's fees to be awarded in certain circumstances to the party who brought the action. This bill also modifies a defense available to property owners who are acting in good faith to comply with all orders rather than an order issued by the Department of Natural Resources, the U.S. Environmental Protection Agency, or the Office of the Attorney General.

The bill allows licensed engineers to conduct specified building permit inspections on certain residential dwelling units for which they submitted plans in accord with criteria and uniform forms provided by political subdivisions for such permit inspections.

This bill authorizes the board of aldermen of cities of the fourth classification to seek an appraisal and to conduct reasonable analyses before putting a proposed water or wastewater system sale or a sale of a gas plant before the voters. The board may consider alternatives to a sale and the fair market value may be a matter of negotiation. Good faith notification efforts of any ballot measure may be made through a variety of media including internet sites and should target voters and users of the utilities as specified in the bill.

The bill also includes "small water utilities" in the provisions allowing for the sale or transfer of water utilities under Section 393.320, RSMo.

PROPOSERS: Supporters say that the bill was drafted with the collaboration of community groups and nonprofit legal services and would allow private individuals to enforce ordinances designed to

prevent blight and crime. The bill should help improve conditions in many neighborhoods and hold corporate and industrial interests accountable for acts that decrease quality of life. Reasonable recovery of attorney fees is allowed.

Testifying for the bill were Senator Nasheed; Al Johnson, New Covenant Legal Services; Paul M. Brown, Bar Association Of Metropolitan St. Louis, Lawyers of City Neighborhoods Committee; and Missouri Realtors.

OPPONENTS: There was no opposition voiced to the committee.