

New Changes Impacting Homeowners' Associations Related to For Sale Signs and Solar Panels

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Effective January 1, 2023, there are two new changes impacting homeowners' associations related to for sale signs and solar panels; the statutes do not apply to condominiums.

For Sale Signs. Prohibitions on for sale signs are not uncommon and are generally desired when a community wishes to avoid the visual impact that many for sale signs can have in a community. Sadly, the Great Recession had many communities and neighborhoods suffering from extensive foreclosures and sales becoming awash in for sale signs. In addition to the aesthetics, this probably impacts the resale values. After all, if the vast majority of a community is leaving (or vacant), it would also mean that the homeowners' association is likely struggling too, increasing the long-term risk on what is often a person's largest purchase and investment.

The Missouri General Assembly has removed the ability to have a total prohibition on for sale signs. Instead, and through rulemaking, an association can adopt reasonable rules. Attorneys refer to these restrictions as "time, place, manner" restrictions, and form the legal foundation for evaluating government regulations of speech under the U.S. Constitution's First Amendment.

Reasonable time, place, manner restrictions would include: (a) duration the sign may be placed, (b) size, (c) location, and (d) that the sign be static--no lights, for example. This change does not impact or allow an owner to place a for sale sign in common ground.

Solar Panels. A similar approach was taken to solar panels; provided, however, the Missouri General Assembly did recognize that many homeowners' associations are responsible for the upkeep of the roofs even though the association does not own them. Thus, it is easier to follow the new statute by starting from that point.

If the association *is responsible* for upkeep of roofs (most often attached side-by-side residences), then this statutory change does not impact your community.

If the association *is not responsible* for upkeep of roofs (vast majority of single-family detached communities), then the association can only adopt “reasonable rules, subject to any applicable statutes or ordinances, regarding the placement of solar panels or solar collections to the extent that those rules do not prevent installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device.”

If you have any questions related to these changes in the law, the association should consult with its attorney. This information is to inform you about changes in the law and does not constitute legal advice or the formation of an attorney-client relationship.