

COMMUNITY ASSOCIATIONS BLOG

Walking on Eggshells!

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A common restriction for many community associations is a prohibition on poultry and chickens. Effective August 28, 2024, those restrictions are no longer enforceable if the lot is two tenths of an acre (“Chicken Law”). In that case, the owner can pasture up to six chickens and is permitted to have a single chicken coop that can hold up to six chickens.

The Chicken Law does allow HOAs to “adopt reasonable rules, subject to applicable statutes or ordinances” which could include prohibitions on roosters, which are noisier than hens and more of a nuisance due to their crowing. The Chicken Law does not supersede local ordinances. We anticipate confusion as owners learn that they can have chickens, but then have to navigate rules adopted by the association and local ordinances. This also puts an association in the awkward position of now having to police chickens and their waste.

One community is pecking back. On August 26, 2024, Four Seasons Lakesites Property Owners Association, Inc. (“Four Seasons”) hatched a lawsuit against the State of Missouri in the Cole County, Missouri Circuit Court to challenge how the statute (“HB 2062”) was adopted as well as an impermissible infringement on the right of parties to contract. The Missouri Constitution requires legislation to only address a single-subject. HB 2062 originally only addressed eviction moratoriums. By the time it was signed into law, HB 2062 covered a myriad of topics including public sewer district liens and land banks. If the lawsuit is successful, the Chicken Law will be null and void with the prohibitions on poultry and chickens returning to life.

All of these considerations make for difficult choices for a community particularly since a community cannot put all of its eggs in one basket and assume the outcome of the lawsuit. This is why it is essential for communities to work with their legal counsel to develop a plan and rules and regulations.