

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19th JUDICIAL DISTRICT**

FOUR SEASONS LAKESITES	)	
PROPERTY OWNERS	)	
ASSOCIATION, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.:
	)	
STATE OF MISSOURI,	)	
	)	
Serve: Andrew Bailey	)	
Supreme Court Building	)	
207 W. High St.	)	
Jefferson City, MO 65101	)	
	)	
	)	
Defendant.	)	

**PLAINTIFF FOUR SEASONS LAKESITES PROPERTY OWNERS
ASSOCIATION, INC.’S PETITION FOR DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF**

For its cause of action against Defendant, Plaintiff Four Seasons Lakesites Property Owners Association, Inc. (“Four Seasons” or “Plaintiff”) states as follows:

Parties

1. Plaintiff Four Seasons is a homeowner’s association covering residential properties in a neighborhood in the Lake of the Ozarks.
2. Plaintiff is an HOA that has ongoing contracts with tenants forbidding the pasturing and ownership of chickens on land in the form of restrictive covenants, which are private contracts between lot owners and the HOA. A true and correct copy of such restrictive covenant is attached hereto as **Exhibit F**.
3. Plaintiff Four Seasons paid and has paid taxes to the State of Missouri in various forms, such as income taxes, and these taxes are deposited to the State general revenue fund by operation of law. *E.g.*, §§ 33.543, 144.700 RSMo.

4. As a homeowner's association, Plaintiff has responsibility for enforcing covenants and other restrictions on properties that are subject to mutual covenants.
5. Plaintiff's rights and obligations are subject to the provisions of the legislation plaintiff challenges here.
6. Defendant State of Missouri enacted House Bill 2062 and is responsible for executing it.

Jurisdiction & Venue

7. This Petition requests a declaration of rights, status, and other legal relations. See §§ 526.030, RSMo.
8. The State of Missouri and its Attorney General may be found in Cole County, Missouri. See §508.010.2.
9. A copy of this Petition is served on the Attorney General. Rule 87.04.

Constitutional Procedural Requirements for Legislation

10. The Missouri Constitution, Article III, Section 21, states, in relevant part, “No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.”
11. The Missouri Constitution, Article III, Section 23 states, in relevant part, “No bill shall contain more than one subject which shall be clearly expressed in its title.”

House Bill No. 2062

12. On May 16, 2024, House Bill No. 2062 was truly agreed to and finally passed (“TAFP HB 2062”).
13. A true and correct copy of HB 2062 is attached as **Exhibit A** and incorporated by reference as if fully set forth herein.
14. On July 12, 2024, the Governor signed TAFP HB 2062 into law.
15. TAFP HB 2062 will become effective as the law on August 28, 2024.
16. This action is brought in a timely manner as required by § 516.500, RSMo.
17. Defendant State of Missouri, through various officers, intends to enforce the provisions of TAFP HB 2062.
18. The implementation of the provisions of TAFP HB 2062 is using and will use revenues from the state general revenue fund, as is made evident by the Fiscal

Note for TAFP HB 2062, a true and correct copy of which is attached as **Exhibit B** and is incorporated by reference as if fully set forth herein.

HB 2062 As Introduced and Perfected in the House

19. HB 2062 was read for the first time on January 3, 2024. A true and correct copy of HB 2062 as originally Introduced is attached hereto as **Exhibit C** and incorporated by reference as if fully set forth herein.
20. As originally Introduced, HB 2062's was titled "An Act To amend chapter 535, RSMo, by adding thereto one new section relating to a moratorium on eviction proceedings." **Exhibit C.**
21. As originally Introduced, HB 2062 contained a single provision, Section 535.012, which related to preventing counties, municipalities, or other political subdivisions from imposing or enforcing moratoriums on eviction proceedings. Essentially, the bill sought to prevent such entities from enforcing moratoriums on eviction proceedings "unless specifically authorized by state law." And nothing more. **Exhibit C.**
22. On February 7, 2024, HB 2062 was taken up for perfection, the title was agreed to, and it was perfected by the House without amendment. A true and correct copy of Perfected HB 2062 is attached as **Exhibit D.**
23. The Missouri House third read and passed HB 2062 on February 12, 2024, and it was reported to the Senate, where it was first read.

HB 2062 Senate Substitute and TAFP HB 2062

24. On March 7, 2024, HB 2062 was second read and referred to the Senate Committee on Emerging Issues. On April 22, 2024, the Senate Committee on Emerging Issues reported Do Pass on HB 2062.
25. On May 7, 2024, HB 2602 was placed on the Informal Calendar and taken up for a third reading. A Senate Substitute for HB 2062 was offered, adopted, and passed. A true and correct copy of the Senate Substitute for HB 2062 is attached as **Exhibit E.**
26. The Senate Substitute contained several amendments and changes not originally included in HB 2062 as Introduced or Perfected.
27. The Senate Substitute for HB 2062 repealed several laws, including Sections 140.010, 140.250. and 140.420, among many others, that were not repealed or otherwise mentioned in HB 2062 as Introduced or Perfected. *Compare, Exhibits C, D, E.*

28. The Senate Substitute for HB 2062 additionally proposed to enact in lieu thereof fifty-four new sections relating to the use of real property, with penalty provisions. **Exhibit E.** None of these 54 laws were proposed or referenced in HB 2062 as Introduced or Perfected. *Compare, Exhibits C, D with Exhibit E.*
29. The title of the Senate Substitute for HB 2062 was changed to state, “An Act To repeal” various sections and to enact “fifty-four new sections relating to the use of real property, with penalty provisions.” **Exhibit E.**
30. On May 8, 2024, the Senate Substitute for HB 2062 was reported to the House and referred to the House Committee on Fiscal Review. On May 9, 2024, the House Committee on Fiscal Review reported do pass on the Senate Substitute for HB 2062.
31. On May 16, 2024, the House took up and adopted the Senate Substitute for HB 2062, with additional amendments, and finally passed it as TAFP HB 2062. **Exhibit A.**
32. TAFP HB 2062 contained several provisions not originally contained in HB 2062 as Introduced or Perfected, including:
 - a. The Missouri Small Business Act, which, among other things, mandates that political subdivisions imposing shutdown orders must waive business license fees of impacted businesses and reduce the real and personal property tax liability of impacted businesses;
 - b. Section 67.288, a provision that defines “electric vehicle” and related terms and prohibits political subdivisions from adopting legislation requiring that churches or nonprofits provide charging stations in parking lots;
 - c. Sections 140.010 to 141.1020, provisions which, among other things: in certain circumstances, permit counties to establish a land bank agency on property that has been encumbered with state liens for unpaid taxes; set procedures and terms for the process and timing for the sale of land bank property; provide for limitations on funding for land bank agencies; establish definitions for terms relating to these matters; and repeal bills dealing with the collection of delinquent taxes in the City of St. Louis;
 - d. Section 141.1020, a provision providing that liens levied by public sewer districts upon a customer’s property for unpaid sewer charges shall have priority above all liens except for those levied for state and county purposes;
 - e. The Historic, Rural Revitalization, and Regulatory Streamlining Act, which, among other things, provides definitions for terms pertaining to

historic buildings, provides for tax credits for the rehabilitation of qualifying property;

- f. Section 436.337, which prevents political subdivisions from requiring residential property owners to have home inspections conducted as a prerequisite to selling property;
 - g. Section 436.337, a provision providing that no deed restrictions, covenants, or other agreements running with the land could prohibit the ownership or pasturing of up to six chickens;
 - h. Sections 534.602, 534.604, and 569.200, which, among other things, allows property owners to file petitions to have persons unlawfully occupying property to be removed through ex parte orders; establishes procedures and definitions relating to such matters, including the process for filing petitions, the mandated timing of hearings, and civil protections for law enforcement officers enforcing ex parte orders for the removal of unlawful occupants, including immunity from civil liability for false arrest; and
 - i. Section 640.144, which repeals an annual requirement that community water systems must create a hydrant inspection program and replaces such requirement with scheduled hydrant testing.
33. The only common provision in HB 2062 as Introduced and Perfected and in TAFP HB 2062 was section 535.012, the provision relating to banning counties, municipalities, or other political subdivisions from enacting or enforcing moratoriums on eviction proceedings. *Compare, Exhibits A, C, D.*
34. The title of TAFP HB 2062 is “An Act To repeal” various sections to enact “sixty-two new sections relating to the use of real property, with penalty provisions.” **Exhibit A.** This title differs from the title appearing on HB 2062 as Introduced and Perfected. *Compare, Exhibits A, C, D.*
35. As finally passed HB2062 contains more than a single subject.
36. As previously alleged, the Governor signed TAFP HB 2062 and it will become law on August 28, 2024.

COUNT I:

TAFP HB 2062 VIOLATES THE MISSOURI CONSTITUTION’S SINGLE SUBJECT REQUIREMENT

37. Plaintiff Four Seasons incorporates by reference all preceding paragraphs herein.

38. The Missouri Constitution, Article III, § 23, provides that “No bill shall contain more than one subject.”
39. TAFP HB 2062 contains multiple subjects, including: (1) prohibitions on restrictions on land relating to the ownership or pasturing of chickens, (2) the order of priority of liens levied by public sewer districts, and (3) barring counties, municipalities, and other political subdivisions from imposing or enforcing moratoriums on eviction proceedings (i.e., land restrictions, public sewer lien priority, and restrictions on the powers of political subdivisions).
40. TAFP HB 2062’s original controlling purpose relates to the powers of political subdivisions, specifically, with regard to moratoriums on eviction proceedings.
41. Many provisions in TAFP HB 2062 do not relate to the powers of political subdivisions or moratoriums on eviction proceedings.
42. The various provisions of TAFP HB 2062 do not all fall into one subject or provisions reasonably related to a single subject. Rather they address many different subjects.

COUNT II:

TAFP HB 2062 VIOLATES THE MISSOURI CONSTITUTION’S REQUIREMENT THAT LEGISLATION NOT BE AMENDED SO AS TO CHANGE ITS ORIGINAL PURPOSE

43. Plaintiff incorporates by reference all preceding paragraphs.
44. The Missouri Constitution, Article III, § 21 provides that “no bill shall be so amended in its passage through either house as to change its original purpose.”
45. As Introduced and Perfected, HB 2062’s original controlling purpose relates to the powers of political subdivisions, specifically, a political subdivisions powers with regard to moratoriums on eviction proceedings. **Exhibit C.**
46. There were no provisions in HB 2062 as Introduced or Perfected relating to land restrictions, lien priority, waiver of business license fees during shutdowns, electric vehicles, chickens, or any of the other many subjects the provisions of TAFP 2062 encompass. *Compare Exhibits C, D with Exhibit A.*
47. As originally Introduced, all of the contents of HB 2062 were within the purpose of amending Chapter 535, RSMo, by adding to that chapter a new section relating to a moratorium on eviction proceedings. **Exhibit C.**
48. All sections of TAFP HB 2062 other than Section 535.012 are neither logically connected to the powers of political subdivisions related to moratorium

proceedings nor are they germane to the powers of political subdivisions related to moratorium proceedings.

49. The provisions of TAFP HB 2062 other than Section 535.012 changed the bill's original purpose.
50. HB 2062 was amended during its passage to change its original purpose and violates the original purpose requirement of Article III, § 21, of the Missouri Constitution.

COUNT III:

TAFP HB 2062 VIOLATES THE MISSOURI CONSTITUTION'S CLEAR TITLE REQUIREMENT

51. Plaintiff incorporates by reference all preceding paragraphs.
52. The Missouri Constitution, Article III, Section 23, requires that the single subject of a bill "be clearly expressed in its title."
53. TAFP HB 2062's title provides that it is an act to repeal several sections, and enact in their place several sections "relating to the use of real property."
54. TAFP HB 2062's title is so broad and amorphous in scope that it fails to give notice of its content, effectively rendering the single subject requirement meaningless and obscuring the actual subjects of the legislation.
55. Many of the provisions of HB 2062 are outside of or go beyond the bill's stated subject of "relating to the use of real property."
56. TAFP HB 2062 is under-inclusive and violates the clear-title requirement in Article III, § 23, of the Missouri Constitution.
57. TAFP HB 2062 is over-inclusive and violates the clear-title requirement in Article III, § 23, of the Missouri Constitution.

COUNT IV:

TAFP HB 2062 VIOLATES THE MISSOURI CONSTITUTION'S CONTRACTS CLAUSE

58. Plaintiff incorporates by reference all preceding paragraphs.
59. The Missouri Constitution, Article I, § 13, states that "no . . . law impairing the obligations of contracts . . . can be enacted."

60. Plaintiff is an HOA that has ongoing contracts with tenants forbidding the pasturing and ownership of chickens on land in the form of restrictive covenants, which are private contracts between lot owners and the HOA. **Exhibit F.**
61. Through TAFP HB 2062, the General Assembly purports to impair these restrictive covenants, in violation of Article I, Section 13 of the Missouri Constitution.

COUNT V:

TAFP HB 2062 VIOLATES THE UNITED STATES CONSTITUTION'S CONTRACTS CLAUSE

62. Plaintiff incorporates by reference all preceding paragraphs.
63. The United States Constitution, Article I, Section 10, states that “No State shall . . . pass any . . . Law impairing the Obligations of Contracts.”
64. Plaintiff is an HOA that has ongoing contracts with tenants forbidding the pasturing and ownership of chickens on land in the form of restrictive covenants, which are private contracts between lot owners and the HOA. **Exhibit F.**
65. Through TAFP HB 2062, the General Assembly purports to impair these restrictive covenants, in violation of Article I, Section 10 of the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request this Court:

- a. Declare that TAFP HB 2062 is unconstitutional in that it contains multiple subjects, in violation of Article III, Section 23 of the Missouri Constitution;
- b. Declare that TAFP HB 2062 is unconstitutional in that it violates the original-purpose requirement in Article III, Section 21 of the Missouri Constitution;
- c. Declare that TAFP HB 2062 is unconstitutional in that it violates the clear-title requirement in Article III, Section 23 of the Missouri Constitution;
- d. Declare that TAFP HB 2062 is unconstitutional in that it violates the Missouri Contracts Clause, Article I, Section 13.
- e. Declare that TAFP HB 2062 is unconstitutional in that it violates the United States Contracts Clause, Article I, Section 10.
- f. Declare that TAFP HB 2062 is invalid and may not be implemented, enforced, or relied upon;

- g. Enjoin Defendant and all those acting in concert from implementing or enforcing any of the provisions contained within TAFP HB 2062; and
- h. Order such other relief as the Court deems just and proper.

Respectfully submitted,

STINSON LLP

Date: August 26, 2024

By: /s/ Charles W. Hatfield
Charles W. Hatfield, No. 40363
230 W. McCarty Street
Jefferson City, MO 65101
Phone: (573) 636-6263
Fax: (573) 636-6231
chuck.hatfield@stinson.com

Carleigh M. Cavender, No. 73661
7700 Forsyth Boulevard, Suite 1100
St. Louis, MO 63105
Phone: (314) 863-0800
Fax: (314) 863-9388
carleigh.cavender@stinson.com

*Attorneys for Plaintiff Four Seasons
Lakesites Property Owners Association,
Inc.*