

Ruffled Feathers: HOA Restrictions on Raising Chickens

In the Dirt: A Real Estate Legal Update

By Elizabeth Lum on July 18, 2024

On July 12th, Missouri Governor Parsons signed HB 2062, a House Bill that, beginning this August, may ruffle a few feathers of those developers, directors, homeowners, and others associated with Missouri homeowner associations (HOAs).

Missouri law provides for certain limits on what HOAs may prohibit through deed restrictions, covenants, or similar binding agreements. *See* Section 442.404 RSMo. A portion of HB 2062 intends to add new limitations on activities which may be restricted by HOAs.

HB 2062, as it relates to the use of real property, restricts Homeowner Associations' abilities to prohibit backyard chicken flocks. Specifically, HB 2062 forbids deed restrictions, covenants, or similar binding agreements from prohibiting the ownership or pasturing of chicken flocks. Under the provisions of HB 2062, property owners may keep up to six chickens, and/or a single chicken coop designed to accommodate up to six chickens, on lots that are at least two tenths (2/10th) of an acre.

HOAs, however, may adopt reasonable rules, subject to applicable statutes or ordinances, regarding the ownership or pasturing of chickens, including a prohibition or restriction on ownership or pasturing of roosters.

HOAs with existing restrictions that entirely prohibit chicken ownership and/or pasturing will likely find their restrictions unenforceable.

HB 2062 does not prohibit municipalities from enacting or enforcing their own local zoning laws as it relates to chickens and chicken ownership; furthermore, HB 2062 does not affect or amend other Missouri state chicken laws regarding the health, safety, and welfare of animals or the general public.

All HOAs should review municipal codes, state laws, and their own restrictions, and formulate reasonable rules and regulations regarding the ownership and pasturing of chickens. To be enforceable, any such rules or regulations should contain carefully drafted exceptions to prevent a finding that the rules and regulations conflict with other Missouri state laws or municipal codes, or impair or adversely affect property use rights related to chicken ownership or pasturing.

The new changes regarding chicken ownership and pasturing will be added to RSMo 442.404. They go into effect on August 28, 2024.

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