

LANDOWNER FAIRNESS ACT

CHAPTER 523-EMINENT DOMAIN

PURPOSE

The Landowner Fairness Act updates Missouri's eminent domain laws to restore balance, transparency, and due process for landowners. The legislation ensures landowners are informed and treated fairly, throughout and after the condemnation process, without halting infrastructure development.

SPONSORS: Senator Kurtis Gregory (SB 1699), Senator Nick Schroer (SB 1698) and Representative Mike Costlow (HB 3375)

INCREASED TRANSPARENCY

- Requires advance written notice before surveyors or company personnel enter private property
- Strengthens pre-condemnation notices and written offers to clearly inform landowners of:
 - Eligibility for heritage, homestead, or beginning farmer compensation
 - The right to seek attorney's fees
 - The condemning authority's statutory obligations while on the property
- Allows compensation for diminution in value to remaining property, including impacts from the condemner's proposed use
- Places the burden on condemning authorities to prove they have legal authority to condemn

These reforms ensure landowners know their rights and aren't left with long-term damage or abandoned infrastructure.

LAND MITIGATION BEST PRACTICES

- Establishes clear statewide standards for land restoration:
 - Tree and stump removal
 - Rut repair, erosion control, and reseeding
 - Fence repair at the condemner's expense
- Requires decommissioning of abandoned facilities, preventing permanent encumbrances
- Allows flexibility through mutual agreements between landowners and condemning authorities.
- Provides enforcement through civil penalties and injunctive relief



CRITICAL POINTS

What will the Landowner Fairness Act do?

- Strengthen notice requirements
- Improve compensation
- Protect landowner rights in court
- Set statewide construction standards
- Guarantee restoration after abandonment

ENHANCED COMPENSATION

How does the Landowner Fairness Act improve protections for property owners?

- Heritage valuation recognizes 20 years, not 50 years
- Landowners can recover attorney's fees if undervalued
- Additional compensation for beginning farmers

BALANCED RULES FOR ALL CONDEMNING AUTHORITIES

- Ensures minimum condemnation standards apply consistently across all entities
- Requires good-faith consideration of landowner-proposed alternative locations
- Requires separate condemnation actions for individual landowners

STRONGER DUE PROCESS PROTECTIONS

- Extends timelines so landowners have adequate time to respond and secure counsel
- Protects landowners from losing rights due to procedural technicalities
- Grants access to affirmative defenses and full discovery
- Requires courts to confirm condemnation authority before proceedings advance
- Establishes public policy favoring liberal interpretation in favor of private property owners
- Allows recovery of attorney's fees when a condemner undervalues property

Consistent Standards. Stronger Safeguards. Landowners gain fair treatment from all condemning authorities and stronger due process protections.

IMPROVED COMPENSATION STANDARDS

- Updates heritage valuation from 50 years to 20 years of family ownership
- Strikes the blight exemption from heritage and homestead valuations
- Increases compensation for beginning farmers
- Ensures compensation reflects real financial impacts, including tax consequences
- Provides enforcement through civil penalties and injunctive relief

STRONGER PROPERTY PROTECTIONS = RESPECT FOR LANDOWNERS

Eminent domain decisions ripple far beyond property lines and can divide communities. These reforms will protect landowners by improving due process, enhancing compensation, minimizing disruption, and requiring responsible restoration. The Landowner Fairness Act helps restore balance for those directly affected by condemnation while allowing for responsible project development.