

1
2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 569**

5 (By Senator Snyder)

6 _____
7 [Originating in the Committee on Government Organization;
8 reported March 1, 2011.]
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11 A BILL to amend and reenact §36B-1-203 of the Code of West
12 Virginia, 1931, as amended, relating to increasing the maximum
13 homeowners' associations' fees for the exception for small and
14 limited expense liability planned communities.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §36B-1-203 of the Code of West Virginia, 1931, as
17 amended, be amended and reenacted to read as follows:

18 **ARTICLE 1. GENERAL PROVISIONS.**

19 **§36B-1-203. Applicability to new common interest communities. -**
20 **Exception for small and limited expense liability planned**
21 **communities.**

22 If a planned community:

23 (1) Contains no more than twelve units and is not subject to
24 ~~any~~ development rights; or

25 (2) Provides, in its declaration, that the annual average
26 common expense liability of all units restricted to residential
27 purposes, exclusive of optional user fees and any insurance
28 premiums paid by the association, may not exceed ~~three hundred~~

1 ~~dollars~~ \$1,000 as adjusted pursuant to section ~~1-114~~ one hundred
2 fourteen of this article (adjustment of dollar amounts), ~~it~~ then
3 the planned community is subject only to ~~sections 1-105~~ section one
4 hundred five of this article (separate titles and taxation), ~~1-106~~
5 section one hundred six of this article (applicability of local
6 ordinances, regulations and building codes) and ~~1-107~~ section one
7 hundred seven of this article (eminent domain), unless the
8 declaration provides that this entire chapter is applicable.