

Senate Bill No. 569

(By Senator Snyder)

[Introduced February 21, 2011; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

11 A BILL to amend and reenact §36B-1-203 of the Code of West
12 Virginia, 1931, as amended, relating to an increase in
13 homeowners' associations' dues so that there is sufficient
14 funding to maintain environmental management plans and
15 streets.

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

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

19 **ARTICLE 1. GENERAL PROVISIONS.**

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

23 If a planned community:

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

26 (2) Provides, in its declaration, that the annual average

1 common expense liability of all units restricted to residential
 2 purposes, exclusive of optional user fees and any insurance
 3 premiums paid by the association, may not exceed ~~three hundred~~
 4 ~~dollars~~ \$1,000 as adjusted pursuant to ~~section 1-114 (adjustment of~~
 5 ~~dollar amounts)~~, section one hundred fourteen, article one of this
 6 chapter. It is subject only to ~~sections 1-105 (separate titles and~~
 7 ~~taxation), 1-106 (applicability of local ordinances, regulations~~
 8 ~~and building codes) and 1-107 (eminent domain)~~ section one hundred
 9 five, article one of this chapter concerning separate titles and
 10 taxation; section one hundred six, article one of this chapter
 11 concerning applicability of local ordinances, regulations and
 12 building codes; and section one hundred seven, article one of this
 13 chapter concerning eminent domain unless the declaration provides
 14 that this entire chapter is applicable.

NOTE: The purpose of this bill is to increase homeowners' associations dues so that there is sufficient funding to maintain environmental management plans and streets.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.