

H. B. 4382

(By Delegates Lawrence, Kump, Skaff, Householder,
Howell and Rowan)

[Introduced February 1, 2012; referred to the Committee on the Judiciary.]

10 A BILL to amend and reenact §36B-1-203 of the Code of West
11 Virginia, 1931, as amended; and to amend said code by adding
12 thereto a new section, designated §36B-3-120, all relating to
13 homeowners' association fees.

14 Be it enacted by the Legislature of West Virginia:

15 That §36B-1-203 of the Code of West Virginia, 1931, as
16 amended, be amended and reenacted; and that said code be amended by
17 adding thereto a new section, designated §36B-3-120, all to read as
18 follows:

ARTICLE 1. GENERAL PROVISIONS.

20 §36B-1-203. Applicability to new common interest communities. --

**Exception for small and limited expense liability
planned communities.**

23 If a planned community:

24 (1) Contains no more than twelve units and is not subject to

1 any development rights; or

2 (2) Provides, in its declaration, that the annual average
3 common expense liability of all units restricted to residential
4 purposes, exclusive of optional user fees and any insurance
5 premiums paid by the association, may not exceed \$300 as adjusted
6 pursuant to section ~~1-114~~ one hundred fourteen of this article
7 (adjustment of dollar amounts), it is subject only to sections
8 ~~1-105~~ one hundred five (separate titles and taxation), ~~1-106~~ one
9 hundred six (applicability of local ordinances, regulations and
10 building codes) and ~~1-107~~ one hundred seven (eminent domain), all
11 of this article, and section one hundred twenty, article three of
12 this chapter, unless the declaration provides that this entire
13 chapter is applicable.

14 **ARTICLE 3. MANAGEMENT OF THE COMMON INTEREST COMMUNITY.**

15 **§36B-3-120. Homeowners' association fees.**

16 Homeowners' annual dues, fees and assessments shall be
17 deposited into an account held in trust in the name of the
18 subdivision homeowners' association. Copies of all bank statements
19 with regard to this trust account shall be made available to each
20 homeowner upon request. The declaration shall contain the bank
21 which holds the trust account.

NOTE: The purpose of this bill is to require homeowners fees to be held in a trust account and require the designated bank be

referenced in the declaration.

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

§36B-3-120 is new; therefore, it has been completely underscored.