WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Originating

House Bill 3558

By Delegates Howell, Clark, A. Hall, Fehrenbacher and Petitto

[Originating in the Committee on Economic Development & Tourism; reported on February 22, 2023]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36B-1-203a, relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCIOA) for planned communities which prescribe in their declaration that the act will not apply.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS.

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

(a) The Uniform Common Interest Ownership Act (UCIOA) shall only apply to a planned community, regardless of size, if the declaration of that planned community expressly adopts the UCIOA and elects to be subject to it.

(b) A planned community may amend its existing declaration in order to clarify whether the planned community either: *(i)* intends to remain subject to the UCIOA; or, alternatively, *(ii)* intends to prospectively release itself from further application of the UCIOA in the planned community.

NOTE: The purpose of this bill is to provide that planned communities may choose to be subject to the UCIOA.

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