

# **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]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §36B-1-203a, relating to providing an exception to the provisions of the  
3 Uniform Common Interest Ownership Act (UCIOA) for planned communities which  
4 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.**

1 (a) The Uniform Common Interest Ownership Act (UCIOA) shall only apply to a planned  
2 community, regardless of size, if the declaration of that planned community expressly adopts the  
3 UCIOA and elects to be subject to it.  
4 (b) A planned community may amend its existing declaration in order to clarify whether the  
5 planned community either: (i) intends to remain subject to the UCIOA; or, alternatively, (ii) intends  
6 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.