

1st Sub. H.B. 155

HOMEOWNER ASSOCIATION PROVISIONS AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 6, 2020 3:56 PM

Representative **Mike Winder** proposes the following amendments:

1. *Page 1, Lines 12 through 21:*

12 This bill:

13 ▶ imposes certain disclosure requirements before the closing of a sale of homeowner
14 association property to an independent third party;

15 {→} ~~{amends certain registration requirements to include an electronic version of an
16 association's or an association of unit owners' governing documents;}~~

17 ▶ requires the Department of Commerce to publish certain educational materials on its
18 website; and

19 ~~{→ requires the Department of Commerce to provide links to governing documents on
20 its website; and}~~

21 ▶ makes technical and conforming changes.

2. *Page , Line 57 through Page 3, Line 75:*

57 (3) The department shall require an association of unit owners registering as required
58 in this section to provide with each registration:

59 (a) the name and address of the association of unit owners;

60 (b) the name, address, telephone number, and, if applicable, email address of the
61 president of the association of unit owners;

62 (c) the name and address of each manager or management committee member;

63 (d) the name, address, telephone number, and, if the contact person wishes to use email
64 or facsimile transmission for communicating payoff information, the email address or facsimile
65 number, as applicable, of a primary contact person who has association payoff information that
66 a closing agent needs in connection with the closing of a unit owner's financing, refinancing, or
67 sale of the owner's unit; {+} and {+}

68 ~~{(e) an electronic copy of the association of unit owners' governing documents; and}~~

69 {+} (e) {+} ~~{(f)}~~ a registration fee not to exceed \$37.

70 (4) ~~{(a)}~~ An association of unit owners that has registered under Subsection (2) shall
71 submit to the department an updated registration, in the manner established by the department,
72 within 90 days after a change in any of the information provided under Subsection (3).

73 ~~{(b) An association of unit owners existing under a declaration recorded before May 12,
74 2020, shall, before August 10, 2020, submit to the department, in a manner the department
75 establishes, the information required under Subsection (3)(e).}~~

3. Page 4, Lines 108 through 118:

108 (6) The department shall ~~{:~~
109 ~~(a)}~~ publish educational materials on the department's website providing, in simple and
110 easy to understand language, a brief overview of state law governing associations of unit
111 owners, including:
112 ~~{(f)}~~ (a) a description of the rights and responsibilities provided in this chapter to any party
113 under the jurisdiction of an association of unit owners; and
114 ~~{(ii)}~~ (b) instructions regarding how an association of unit owners may be organized and
115 dismantled in accordance with this chapter ~~}; and~~
116 (b) for each association of unit owners registered in accordance with this section;
117 provide a link on the department's website to the association of unit owners' governing
118 documents.} ⋮

4. Page 5, Lines 129 through 148:

129 (3) The department shall require an association registering as required in this section to
130 provide with each registration:
131 (a) the name and address of the association;
132 (b) the name, address, telephone number, and, if applicable, email address of the chair
133 of the association board;
134 (c) contact information for the manager;
135 (d) the name, address, telephone number, and, if the contact person wishes to use email
136 or facsimile transmission for communicating payoff information, the email address or facsimile
137 number, as applicable, of a primary contact person who has association payoff information that
138 a closing agent needs in connection with the closing of a lot owner's financing, refinancing, or
139 sale of the owner's lot; ~~{+}~~ and ~~{+}~~
140 ~~{(e) an electronic copy of the association's governing documents; and}~~
141 ~~{+}~~ (e) ~~{+}~~ ~~{(f)}~~ a registration fee not to exceed \$37.
142 (4) ~~{(a)}~~ An association that has registered under Subsection (2) shall submit to the
143 department an updated registration, in the manner established by the department, within 90
144 days after a change in any of the information provided under Subsection (3).
145 ~~{(b) An association existing under a declaration of covenants, conditions, and~~
146 ~~restrictions recorded before May 12, 2020, shall, before August 10, 2020, submit to the~~
147 ~~department, in a manner the department establishes, the information required under Subsection~~
148 ~~{(c)}.~~

5. Page 6, Line 180 through Page 7, Line 188:

180 (6) The department shall ~~{:~~
181 ~~(a)}~~ publish educational materials on the department's website providing, in simple and

182 easy to understand language, a brief overview of state law governing associations, including:
183 ~~{(i)}~~ ~~(a)~~ a description of the rights and responsibilities provided in this chapter to any party
184 under the jurisdiction of an association; and
185 ~~{(ii)}~~ ~~(b)~~ instructions regarding how an association may be organized and dismantled in
186 accordance with this chapter ~~{; and~~
187 ~~(b) for each association registered in accordance with this section, provide a link on the~~
188 ~~department's website to the association's governing documents.~~ } .