

HB 940 -- Common Interest Owners Bill of Rights Act

Sponsor: Nichols

This bill establishes the Common Interest Owners Bill of Rights Act which is substantially similar to model legislation drafted by the National Conference of Commissioners on Uniform State Laws. In its main provisions, the bill:

- (1) Specifies that every contract or duty governed by the act imposes an obligation of good faith in its performance or enforcement;
- (2) Specifies that the act applies to all condominiums in the state that may be used for residential purposes and to certain other common interest communities that contain 12 or more units that may be used for residential purposes;
- (3) Specifies that an arrangement between the unit owners associations for two or more common interest communities or between a unit owners association and the owner of real estate that is not part of a common interest community to share the costs of real estate taxes, insurance premiums, services, maintenance or improvements of real estate, or other activities specified in their arrangement or declarations does not create a separate common interest community;
- (4) Establishes requirements for the association, its officers, and members of the executive board to follow when exercising its powers and duties and when conducting business; and
- (5) Allows a declarant, association, unit owner, or any other person subject to the act to bring an action to enforce a right granted or an obligation imposed by the act, the declaration, or the bylaws.