

HB 1122 -- HOMEOWNERS' ASSOCIATIONS

SPONSOR: West

This bill establishes "The Subdivision Property Owners' Protection Act".

The act prohibits a homeowners association from entering into, amending, or enforcing a covenant, condition, or restriction in a way that imposes more onerous restrictions on the types of use of a homeowner member of the association's real property than the restrictions that:

(1) Existed when the member acquired the member's interest in the property, unless the member acquired the property through inheritance, in which case only the restrictions that applied to the member's predecessor shall apply to the member; or

(2) The member who owns the affected real property expressly agrees in writing at the time of the adoption or amendment of the covenant, condition, or restriction;

A homeowner member that claims the benefit of this act shall request that the homeowners' association record, or allow recording of, the exception applicable to the homeowner member.

This section shall not apply to a covenant, condition, or restriction that is not subject to enforcement by a homeowners' association or required in order to comply with applicable federal, state, and local laws, ordinances, and regulations.

Nothing in this section shall be construed to prevent the enforcement of a covenant, condition, or restriction limiting the types of use of a member's real property as long as the covenant, condition, or restriction applied to the real property at the time the member acquired the member's interest in the real property or, if the member acquired his or her interest through inheritance, at the time the member's predecessor acquired his or her interest in the real property.

Nothing in this section shall invalidate existing covenants of a homeowners' association or create a private right of action for actions or omissions occurring before August 28, 2021. However, on and after August 28, 2021, unless the member has consented under subdivision (1) of subsection 3 of this section, a homeowners' association shall not enforce a covenant, condition, or restriction in such a way that limits the types of use of a member's real property that was allowed when the member acquired the affected real property.

This bill is the same as HB 2653 (2020).