

HOUSE BILL No. 2445

By Representatives Huntington, Watkins and K. Wolf

2-7

9 AN ACT concerning homeowners' associations; relating to certain duties
10 and required procedures.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. The governing boards of non-profit homeowners' associ-
14 ations as defined in K.S.A. 2006 Supp. 60-3611, and amendments thereto,
15 are subject to the following:

16 (a) The board of directors may amend the by-laws of the association
17 only upon approval of a majority of residents voting at a duly-noticed and
18 duly-constituted resident meeting.

19 (b) The board of directors may not vary any obligations imposed by
20 state law on the association or its board of directors by creating or amend-
21 ing by-laws or by any other authorization.

22 (c) All elections for the membership on the board of directors shall
23 be by secret ballot and conducted in a manner to assure the integrity of
24 the election process.

25 (d) All meetings of the board of directors shall be subject to the Kan-
26 sas open meetings act.

27 (e) The boards shall give within 15 days full disclosure in writing to
28 the residents concerning any proposed assessments, special charges or
29 fees of general application. All residents shall be given the opportunity to
30 comment on such proposals. Assessments, charges and fees shall be eq-
31 uitable and proportionate to the respective interests of the residents.

32 Sec. 2. Except as provided below, within 60 days of the enactment
33 of this act, all associations shall adopt rules to implement the following:

34 (a) Appointment of one or more neutral and independent election
35 inspectors with plenary authority to conduct the election of directors in
36 a verifiable manner to ensure the integrity of the election process no later
37 than 45 days prior to the date of the election;

38 (b) provide residents with copies of association records, including
39 minutes of meetings, upon written request no later than 10 business days
40 following the receipt of a written request by the resident;

41 (c) provide residents with copies of all budget and financial records,
42 upon written request no later than 10 business days following the receipt
43 of a written request by the resident;

1 (d) adopt no later than one year following the effective date of this
2 act, a voluntary and nonbinding dispute resolution for disputes between
3 and among the association and its residents; and

4 (e) provide residents information concerning their rights under this
5 act.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the Kansas register.