

CHAPTER 144  
HOUSE BILL No. 2582\*

AN ACT concerning homeowners associations; relating to certain restrictive covenants; concerning notification of the annual meeting and budget.

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

Section 1. (a) No declaration or other governing document of an association shall include a restrictive covenant in violation of K.S.A. 44-1016 and 44-1017 and amendments thereto.

(b) Within 60 days of the effective date of this act, the board of directors of an association shall amend any declaration or other governing document that includes a restrictive covenant in violation of K.S.A. 44-1016 and 44-1017, and amendments thereto, by removing such restrictive covenant. Such amendment shall not require the approval of the members of the association. No other change shall be required to be made to the declaration or other governing document of the association pursuant to this section. Within 10 days of the adoption of the amendment, the amended declaration or other governing document shall be recorded in the same manner as the original declaration or other governing document. No fee shall be charged for such recording.

(c) If the commission, a city or county in which the association is located provides written notice to an association requesting that the association delete a restrictive covenant in violation of K.S.A. 44-1016 and 44-1017, and amendments thereto, the association shall delete the restrictive covenant within 30 days of receiving the notice. If the association fails to delete the restrictive covenant in violation of K.S.A. 44-1016 and 44-1017, and amendments thereto, the commission, a city or county in which the association is located, or any person adversely affected by such restrictive covenant may bring an action against the homeowners association for injunctive relief to enforce the provisions of subsections (a) and (b) of this section. The court may award attorney's fees to the prevailing party.

(d) For the purposes of this section:

(1) "Association" means a non-profit homeowners association as defined in K.S.A. 60-3611 and amendments thereto.

(2) "Commission" means the Kansas human rights commission as defined in K.S.A. 44-1002 and amendments thereto.

(e) This section shall be supplemental to and a part of the Kansas act against discrimination.

Sec. 2. (a) An association shall:

(1) Open all meetings of the board of the homeowner's association to all homeowners; and

(2) adopt an annual budget and within 30 days after the adoption of such budget shall make a copy thereof available to any member of the association upon the request of such member.

(b) For the purposes of this section, "association" means a nonprofit homeowners association as defined in K.S.A. 60-3611 and amendments thereto.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 19, 2006.

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