

HOUSE BILL No. 2738

By Committee on Federal and State Affairs

2-24

1 AN ACT concerning homeowner associations; pertaining to liens;
2 amending K.S.A. 2013 Supp. 58-4601 and 58-4618 and repealing the
3 existing sections.

4

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

6 New Section 1. (a) Whenever a homeowners association is authorized
7 by such association's by-laws, declaration or other provision of law to
8 place a lien on real property, such homeowner's association shall provide
9 notice of its intention to create such lien and the reasons therefor. The
10 notice required by this section, shall be provided to all owners of such real
11 estate by restricted mail as such term is defined in K.S.A. 60-103, and
12 amendments thereto.

13 (b) For the purposes of this section, "homeowner's association" shall
14 have the meaning ascribed to the term "association" in K.S.A. 2013 Supp.
15 58-4602, and amendments thereto.

16 (c) This section shall be a part of and supplemental to the Kansas
17 uniform common interest owners bill of rights act.

18 Sec. 2. K.S.A. 2013 Supp. 58-4601 is hereby amended to read as
19 follows: 58-4601. (a) K.S.A. 2013 Supp. 58-4601 through 58-4614 and 58-
20 4616 through 58-4623 *and section 1*, and amendments thereto, shall be
21 known as the Kansas uniform common interest owners bill of rights act.

22 (b) The legislature finds as a matter of public policy:

23 (1) That a significant and increasing number of Kansans live in
24 common interest communities;

25 (2) that effective operation of these common interest communities is
26 in the interest of their owners, residents, and the state; and

27 (3) that the adoption of uniform rules to govern the rights and duties
28 of unit owners, associations, and developers will help to ensure that
29 common interest communities operate effectively and fairly.

30 (c) The public purposes of this act are to establish uniform rules of
31 law to clarify the rights and duties of unit owners and associations in all
32 forms of common interest communities, to provide for the effective
33 operation of common interest communities in the interest of their owners
34 and their residents and to address current and potential areas of conflict
35 and tension between unit owners and associations, boards and managers in
36 a comprehensive and balanced manner.

1 (d) This section shall take effect on and after January 1, 2011.

2 Sec. 3. K.S.A. 2013 Supp. 58-4618 is hereby amended to read as
3 follows: 58-4618. (a) Except as provided in subsection (b) *and section 1,*
4 *and amendments thereto,* an association shall deliver any notice required
5 to be given by the association under this act to any mailing or electronic
6 mail address a unit owner designates. Otherwise, the association may
7 deliver notices by:

8 (1) Hand delivery to each unit owner;

9 (2) hand delivery, United States mail postage paid, or commercially
10 reasonable delivery service to the mailing address of each unit;

11 (3) electronic means, if the unit owner has given the association an
12 electronic address; or

13 (4) any other method reasonably calculated to provide notice to the
14 unit owner.

15 (b) (1) An association for a common interest community for a
16 recreational lake development which contains more than 500 units where
17 less than 50% of such units contain a residence shall comply with
18 subsection (a) when providing notice for an annual meeting.

19 (2) For all other meetings such association shall:

20 (A) Post a notice on the association's website;

21 (B) send a notice by electronic mail to all unit owners who request
22 such notice; and

23 (C) post a sign containing the meeting notice at the main entrance of
24 the common interest community.

25 (c) The ineffectiveness of a good faith effort to deliver notice by an
26 authorized means does not invalidate action taken at or without a meeting.

27 Sec. 4. K.S.A. 2013 Supp. 58-4601 and 58-4618 are hereby repealed.

28 Sec. 5. This act shall take effect and be in force from and after its
29 publication in the statute book.