

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 569

(By Senator Snyder)

[Originating in the Committee on Government
Organization; reported March 1, 2011.]

A BILL to amend and reenact §36B-1-203 of the Code of West Virginia, 1931, as amended, relating to increasing the maximum homeowners' associations' fees for the exception for small and limited expense liability planned communities.

Be it enacted by the Legislature of West Virginia:

That §36B-1-203 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

§36B-1-203. Applicability to new common interest communities.

**- Exception for small and limited expense liability
planned communities.**

1 If a planned community:

2 (1) Contains no more than twelve units and is not subject
3 to ~~any~~ development rights; or

4 (2) Provides, in its declaration, that the annual average
5 common expense liability of all units restricted to residential
6 purposes, exclusive of optional user fees and any insurance
7 premiums paid by the association, may not exceed ~~three~~
8 ~~hundred dollars~~ \$1,000 as adjusted pursuant to section ~~1-114~~
9 one hundred fourteen of this article (adjustment of dollar
10 amounts), ~~it then the planned community~~ is subject only to
11 ~~sections 1-105~~ section one hundred five of this article
12 (separate titles and taxation), ~~1-106~~ section one hundred six
13 of this article (applicability of local ordinances, regulations
14 and building codes) and ~~1-107~~ section one hundred seven of
15 this article (eminent domain), unless the declaration provides
16 that this entire chapter is applicable.