

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**H. B. 4382**

(By Delegates Lawrence, Kump, Skaff, Householder,  
Howell and Rowan)

[Introduced February 1, 2012; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §36B-1-203 of the Code of West  
Virginia, 1931, as amended; and to amend said code by adding  
thereto a new section, designated §36B-3-120, all relating to  
homeowners' association fees.

*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; and that said code be amended by  
adding thereto a new section, designated §36B-3-120, all 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.**

If a planned community:

- (1) Contains no more than twelve units and is not subject to

1 any development rights; or

2 (2) Provides, in its declaration, that the annual average  
 3 common expense liability of all units restricted to residential  
 4 purposes, exclusive of optional user fees and any insurance  
 5 premiums paid by the association, may not exceed \$300 as adjusted  
 6 pursuant to section ~~1-114~~ one hundred fourteen of this article  
 7 (adjustment of dollar amounts), it is subject only to sections  
 8 ~~1-105~~ one hundred five (separate titles and taxation), ~~1-106~~ one  
 9 hundred six (applicability of local ordinances, regulations and  
 10 building codes) and ~~1-107~~ one hundred seven (eminent domain), all  
 11 of this article, and section one hundred twenty, article three of  
 12 this chapter, unless the declaration provides that this entire  
 13 chapter is applicable.

14 **ARTICLE 3. MANAGEMENT OF THE COMMON INTEREST COMMUNITY.**

15 **§36B-3-120. Homeowners' association fees.**

16 Homeowners' annual dues, fees and assessments shall be  
 17 deposited into an account held in trust in the name of the  
 18 subdivision homeowners' association. Copies of all bank statements  
 19 with regard to this trust account shall be made available to each  
 20 homeowner upon request. The declaration shall contain the bank  
 21 which holds the trust account.

NOTE: The purpose of this bill is to require homeowners fees to be held in a trust account and require the designated bank be

referenced in the declaration.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§36B-3-120 is new; therefore, it has been completely underscored.