

**Senate Bill No. 74**

(By Senator Snyder)

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[Introduced January 11, 2012; referred to the Committee on  
Interstate Cooperation; and then to the Committee on the  
Judiciary.]  
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A BILL to amend and reenact §36B-1-203 of the Code of West Virginia, 1931, as amended, relating to certain exemptions for small planned communities from the Uniform Common Interest Ownership Act.

*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 planned communities.**

If a planned community ~~(1)~~ contains no more than twelve units and is not subject to any development rights ~~or (2) Provides, in its declaration, that the annual average common expense liability of all units restricted to residential purposes, exclusive of~~

1 ~~optional user fees and any insurance premiums paid by the~~  
2 ~~association, may not exceed three hundred dollars as adjusted~~  
3 ~~pursuant to section 1-114 (adjustment of dollar amounts)it~~ then the  
4 planned community is subject only to ~~sections 1-105~~ section one  
5 hundred five of this article(separate titles and taxation),~~1-106~~  
6 section one hundred six of this article (applicability of local  
7 ordinances, regulations and building codes) and ~~1-107~~ section one  
8 hundred seven of this article ~~one of this chapter concerning~~  
9 (eminent domain), unless the declaration provides that this entire  
10 chapter is applicable.

NOTE: The purpose of the bill is to amend and expand the exemptions for small planned communities.

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