

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 114

As Amended by Senate Committee of the Whole

Brief*

SB 114 would make four changes to the Kansas Uniform Common Interest Owners Bill of Rights Act:

- It would allow a common interest community's association to suspend an owner's right to vote on all issues when the owner is a developer who owns properties and is delinquent in the payment of assessments and fees.
- It would allow a common interest community for a recreational lake development which contains more than 500 units where less than half of those units contain a residence to suspend a unit owner's right to vote if the unit owner fails to pay an assessment.
- It would amend bylaws requirements to say that those requirements would not apply to any common interest community for a recreational lake development which contains more than 500 units where less than half of those units contain a residence.
- It would allow an association to deliver any required notice by posting the notice on the association's website or by posting a notice on a bulletin board in the association's office or at other public locations to which owners have access at all times, in addition to delivery by hand, by postal or delivery service, by electronic means if the unit owner has given the association an

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

electronic address, or by any other method reasonably calculated to provide notice to the unit owner.

Background

Senator Apple testified in support of the bill, and a representative of three common interest communities in Linn County submitted written proponent testimony. Opposition testimony was received from a private citizen who lives in a common interest community. There was no other testimony.

The Senate Committee on Local Government amended the bill to continue to prohibit a common interest community association from suspending a unit owner's right to vote except involving issues of assessments and fees, but to authorize an association to suspend voting rights when the owner is a developer who owns properties and is delinquent in the payment of assessments and fees. The original bill would have repealed a section in statute dealing with association bylaws; the Committee removed repealing language and amended that section.

The Senate Committee of the Whole amended the bill to allow certain common interest communities to suspend a unit owner's right to vote if that unit owner has failed to pay an assessment.

According to the fiscal note prepared by the Division of the Budget on the original bill, there would be no effect on the state budget, and the bill was not expected to have any effect on city or county budgets.