As Amended by House Committee

Session of 2015

HOUSE BILL No. 2096

By Committee on Commerce, Labor and Economic Development

AN ACT concerning property owners' associations; amending K.S.A. 2014 Supp. 58-3820 and 58-4617 and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 58-3820 is hereby amended to read as follows: 58-3820. (a) On and after the effective date of this act, any provision of a restrictive covenant which prohibits the display of political yard signs on property owned by a resident, which are less than six square feet, during a period commencing 45 days before an election and ending two days after the election is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) (1) The provisions of this section shall apply to any restrictive covenant in existence on the effective date of this act.

(2) The provisions of this section shall not apply to any common areas and facilities owned by a property owners' association.

Sec. 2. K.S.A. 2014 Supp. 58-4617 is hereby amended to read as follows: 58-4617. (a) Before adopting, amending, or repealing any rule, the board of directors shall give all unit owners notice of:

(1) Its intention to adopt, amend, or repeal a rule and provide the text of the rule or the proposed change; and

(2) a date on which the board of directors will act on the proposed rule or amendment after considering comments from unit owners.

(b) Following adoption, amendment, or repeal of a rule, the association shall notify the unit owners of its action and provide a copy of any new or revised rule.

(c) An association may adopt rules to establish and enforce construction and design criteria and aesthetic standards if the declaration so provides. If the declaration so provides, the association shall adopt procedures for enforcement of those standards and for approval of construction applications, including a reasonable time within which the association must act after an application is submitted and the consequences of its failure to act.

(d) A rule regulating display of the flag of the United States must be consistent with federal law. In addition, the association may not prohibit display on a unit or on a limited common element adjoining a unit or on a limited common element adjoining a unit of the flag of this state, or
signs regarding candidates for public or association office or ballot questions. The association may adopt rules governing the time, place, size, number, and manner of those displays that are not inconsistent with K.S.A. 58-3820, and amendments thereto.

(e) Unit owners may peacefully assemble on the common elements to consider matters related to the common interest community, but the association may adopt rules governing the time, place, and manner of those assemblies.

(f) Association rules that affect the use of or behavior in units that may be used for residential purposes, shall be adopted only to:

(1) Implement a provision of the declaration; or

(2) regulate any behavior in or occupancy of a unit which violates the declaration or adversely affects the use and enjoyment of other units or the common elements by other unit owners.

(g) An association's internal business operating procedures need not be adopted as rules.

(h) Every rule must be reasonable.

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

Sec. 3. K.S.A. 2014 Supp. 58-3820 and 58-4617 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.