

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2096

By Committee on Commerce, Labor and Economic Development

1-23

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

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

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

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

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

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

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

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

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

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

33 (d) A rule regulating display of the flag of the United States must be
34 consistent with federal law. In addition, the association may not prohibit
35 display on a unit ~~or on a limited common element adjoining a unit~~ **or on a**
36 **limited common element adjoining a unit** of the flag of this state, or

1 signs regarding candidates for public or association office or ballot
2 questions. The association may adopt rules governing the time, place, size,
3 number, and manner of those displays that are not inconsistent with K.S.A.
4 58-3820, and amendments thereto.

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

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

11 (1) Implement a provision of the declaration; or

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

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

17 (h) Every rule must be reasonable.

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

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

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