

Emerald Bay Estates HOA

February 15, 2018

Madame Chair and Members of the Committee,

On behalf of the Emerald Bay Estates Homeowners Association Board of Directors, thank you for the opportunity to testify in limited opposition to H.B. 2629.

This legislation would provide for two things. First, it would allow the office of the Attorney General to pursue any remedy allowed under the Kansas Consumer Protection Act when the office determines a violation has occurred under the Kansas Uniform Common Interest Owners Bill of Rights Act. Second, the act would require that qualifying homeowner's associations register annually with the office of the Attorney General and pay an annual registration fee as determined by the attorney general, not to exceed \$500.

The Emerald Bay Estates HOA Board of Directors wholeheartedly supports the provision allowing for enforcement of violations of the Common Interest Owners Bill of Rights being under the Kansas Consumer Protection Act. We recognize the value of and need for the Common Interest Owners Bill of Rights. We believe that all homeowner's associations should operate in a fair, open and transparent manner for the best interest of the members they serve. Those that do not should face stiff penalties.

However, we have grave concern with the provision requiring homeowner's associations to pay an annual registration fee of up to \$500. Homeowner's association, almost exclusively, have one revenue stream: dues from their members. As such, this legislation essentially double taxes citizens so that they can be protected and served by their attorney general. These homeowners already pay taxes in several forms that fund state government, including the office of the attorney general. Make no mistake, these registration fees will be paid entirely by and from the very people this legislation is intended to help. We believe this provision sets a terrible precedent and is bad public policy.

If the Committee intends to forward H.B. 2629, we request that the provisions requiring registration fees be struck.

Thank you for your consideration and I am happy to stand to for questions at the appropriate time.

Very truly yours,

Jason P. Watkins