

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 642

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO HOMEOWNER'S ASSOCIATIONS AND MANAGEMENT BODIES OF CONDOMINI-  
2 UMS; AMENDING CHAPTER 1, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW  
3 SECTION 55-116, IDAHO CODE, TO PROVIDE FOR STATEMENTS OF ACCOUNT AND  
4 DISCLOSURE OF FEES; AMENDING SECTION 55-1507, IDAHO CODE, TO PROVIDE  
5 THAT CONDOMINIUM BYLAWS SHALL PROVIDE THAT STATEMENTS OF ACCOUNT SHALL  
6 BE PROVIDED WITHIN A SPECIFIED TIME TO UNIT OWNERS AFTER NOTICE BY A  
7 UNIT OWNER, TO REVISE THE REQUIREMENTS FOR CONTENT OF NOTICE AND TO MAKE  
8 TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 15, TITLE 55, IDAHO CODE,  
9 BY THE ADDITION OF A NEW SECTION 55-1528, IDAHO CODE, TO PROVIDE FOR  
10 STATEMENTS OF ACCOUNT AND DISCLOSURE OF FEES.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 1, Title 55, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 55-116, Idaho Code, and to read as follows:

16 55-116. STATEMENT OF ACCOUNT -- DISCLOSURE OF FEES. (1) A homeowner's  
17 association or its agent shall provide a property owner and the owner's  
18 agent, if any, a statement of the property owner's account not more than five  
19 (5) business days after receipt of a request by the owner or the owner's agent  
20 received by the homeowner's association's manager, president, board member,  
21 or other agent, or any combination thereof. The statement of account shall  
22 include, at a minimum, the amount of annual charges against the property, the  
23 date when said amounts are due, and any unpaid assessments or other charges  
24 due and owing from such owner at the time of the request. The homeowner's  
25 association shall be bound by the amounts set forth within such statement of  
26 account.

27 (2) On or before January 1 of each year, a homeowner's association or  
28 its agent shall provide property owners within the association a disclosure  
29 of fees that will be charged to a property owner in connection with any trans-  
30 fer of ownership of their property. Fees imposed by a homeowner's associa-  
31 tion for the calendar year following the disclosure of fees shall not exceed  
32 the amount set forth on the annual disclosure, and no surcharge or additional  
33 fees shall be charged to any homeowner in connection with any transfer of  
34 ownership of their property. No fees may be charged for expeditiously pro-  
35 viding a homeowner's statement of account as set forth in this section.

36 SECTION 2. That Section 55-1507, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 55-1507. CONTENTS OF ~~BY-LAWS~~ BYLAWS. The ~~by-laws~~ bylaws referred to in  
39 section 55-1506, Idaho Code, when required, shall provide for at least the  
40 following:

1 (a) The election from among the unit owners of a board of managers, the  
 2 number of persons constituting such board, and that the terms of at least one  
 3 third (1/3) of the members of the board shall expire annually; the powers and  
 4 duties of the board; the compensation, if any, of the members of the board;  
 5 the method of removal from office of members of the board; and whether or not  
 6 the board may engage the services of a manager or managing agent.

7 (b) Method of calling meetings of the unit owners; what percentage of  
 8 the unit owners, if other than a majority, shall constitute a quorum.

9 (c) Election of a president from among the board of managers, who shall  
 10 preside over the meetings of the board of managers and of the unit owners.

11 (d) Election of a secretary, who shall keep the minutes of all meetings  
 12 of the board of managers and of the unit owners and who shall, in general,  
 13 perform all the duties incident to the office of secretary.

14 (e) Election of a treasurer, who shall keep the financial records and  
 15 books of account.

16 (f) Maintenance, repair and replacement of the common elements and pay-  
 17 ments therefor, including the method of approving payment vouchers.

18 (g) Method of estimating the amount of the annual budget, and the manner  
 19 of assessing and collecting from the unit owners their respective shares of  
 20 such estimated expenses, and of any other expenses lawfully agreed upon.

21 (h) That upon 10 days' after notice to received by the manager or board  
 22 of managers and payment of a reasonable fee within five (5) business days  
 23 thereafter, any unit owner shall be furnished a statement of his account set-  
 24 ting forth the amount of any unpaid assessments or other charges due and ow-  
 25 ing from such owner and other amounts set forth in section 55-1528, Idaho  
 26 Code.

27 (i) Designation and removal of personnel necessary for the mainte-  
 28 nance, repair and replacement of the common elements.

29 (j) Such restrictions on and requirements respecting the use and main-  
 30 tenance of the units and the use of the common elements, not set forth in the  
 31 declaration, as are designed to prevent unreasonable interference with the  
 32 use of their respective units and of the common elements by the several unit  
 33 owners.

34 (k) Method of adopting and of amending administrative rules and regula-  
 35 tions governing the operation and use of the common elements.

36 (l) The percentage of votes required to modify or amend the ~~by-laws~~  
 37 bylaws, but each one of the particulars set forth in this section shall al-  
 38 ways be embodied in the ~~by-laws~~ bylaws.

39 SECTION 3. That Chapter 15, Title 55, Idaho Code, be, and the same is  
 40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 41 ignated as Section 55-1528, Idaho Code, and to read as follows:

42 55-1528. STATEMENT OF ACCOUNT -- DISCLOSURE OF FEES. (1) A management  
 43 body or its agent shall provide a unit owner and the owner's agent, if any, a  
 44 statement of the unit owner's account not more than five (5) business days  
 45 after receipt of a request by the unit owner or the unit owner's agent re-  
 46 ceived by the management body, the management body's manager, president,  
 47 board member, or other agent, or any combination thereof. The statement of  
 48 account shall include, at a minimum, the amount of annual charges against  
 49 the unit, the date when said amounts are due, and any unpaid assessments or

1 other charges due and owing from such owner at the time of the request. The  
2 management body shall be bound by the amounts set forth within such statement  
3 of account.

4 (2) On or before January 1 of each year, a management body or its agent  
5 shall provide unit owners a disclosure of fees that will be charged to a unit  
6 owner in connection with any transfer of ownership of a unit. Fees imposed  
7 by a management body for the calendar year following the disclosure of fees  
8 shall not exceed the amount set forth on the annual disclosure, and no sur-  
9 charge or additional fees shall be charged to any unit owner in connection  
10 with any transfer of ownership of the unit. No fees may be charged for expedi-  
11 tiously providing a unit owner's statement of account as set forth in this  
12 section.