

MINUTES OF THE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on February 15, 2011, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Noell Memmott, Committee Assistant

Others attending:

See attached list.

Mike Heim, Revisor, reviewed **SB 101—Uniform common interest owners bill of rights act; exclusion of certain communities and SB—114 Uniform common interest owners bill of rights act; changes**

Terrie Huntington spoke about both bills and referred to concerns CJ Sullivan presented in her written testimony (Attachment 1) and (Attachment 2). Discussion followed. There were reservations in the committee about the bills and it was agreed to discuss them further next week when issues will be clarified.

Mike Heim, Revisor, explained **SB 150—Cities, incorporation; number of residents.** The bill would reduce the number of residents in an incorporated city from 300 to 250 under certain criteria.

Discussion followed. Senator Love moved to amend the bill with a technical change on page 2 line 41 and page 3 line 1. Senator Huntington seconded the motion. The motion carried.

Senator Marshall moved to pass SB 150 out of committee as amended. The motion was seconded by Senator Brungardt.

Senator Reitz spoke to **SB 131**--it would be introduced in Federal and State Affairs and referred to Local Government after turnaround.

The meeting was adjourned at 10:05.

DATE: February 15, 2011

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[illegible]

SENATE LOCAL GOVERNMENT COMMITTEE
February 14, 2011

TESTIMONY ON SB 101
by Cherylaine (CJ) Sullivan
10967 Westgate Rd.
Overland Park, KS 66210

To: Members of the Senate Local Government Committee

Regarding: SB 101 that would amend the current UCIOBORA Law

I am unable to attend committee meetings in person on February 14, 2011. Please allow me to send you this written testimony regarding the above amendments. Many Kansas residents worked very hard to get the UCIOBORA Law passed last year and I fear that any amendments will discard and discount that work. This Law protects all Kansans governed by Home Owners Association Boards and allows them a voice in decisions made on their behalf. The wording of the Law was well thought out, recommended by the Kansas Judicial Council and discussed and debated in several Legislative committees in which many testimonies were heard. I urge you to not amend this Law and make it "less than" its original intention.

SB 101 Uniform common interest owners bill of rights, exclusion of certain communities:

Removing the proposed section lines 10, 11 and 12 "This act shall not apply to any common interest community which does not own any real property held in common for the benefit of such community," would jeopardize the rights of thousands of Kansans living in residential areas governed by Home Owners Associations. There are still Boards to elect, decisions to be made, votes to be taken, assessments to be charged and dues to be collected from residents of all HOAs. Eliminating this huge section of the population would take away basic rights of those in need of this Law.

Thank You.

Senate Local Government

2-15-2011

Attachment 1

SENATE LOCAL GOVERNMENT COMMITTEE
February 14, 2011

TESTIMONY ON SB 114
by Cherylane (CJ) Sullivan
10967 Westgate Rd.
Overland Park, KS 66210

To: Members of the Senate Local Government Committee

Regarding: SB 114 that would amend the current UCIOBORA Law

I am unable to attend committee meetings in person on February 14, 2011. Please allow me to send you this written testimony regarding the above amendments.

SB 114 Uniform common interest owners bill of rights act, changes:

Page 1 Line 22 (6) have the power to suspend any right or privilege of a unit owner that fails to pay an assessment, **but may not,**
The proposal is to remove lines 25, 26 (B) suspend a unit owner's right to vote except involving issues of assessments or fees.

Although I personally believe that the right to vote on any matter should be the wording, my suggestion did not prevail. These lines were carefully thought out in the UCIOBORA Law. Voting for HOA Board Members or serving on HOA Boards are the only ways to make changes in the association. Taking away that privilege would eliminate any voice that disagrees with current board members. My HOA of 513 units collects over 1.3 million dollars a year and the board has recently borrowed a million dollars that will encumber our dues for eight or nine more years. About 50 of the members have decided not to pay certain fees and assessments because they are not happy with many decisions being made by our board. Their right to vote in new board members is the path to make changes to assure that all wishes and opinions are represented. Please do not weaken this important Law by removing HOA members right to vote.

Page 2 Lines 28, 29, 30

I agree that electronic means could be used to inform members of meetings etc, but I do not believe that mailing should be eliminated. In my HOA of 513 units, over 100 owners rent their units and many live out of state. To assume that they would come to the property to read meeting notices is unrealistic. Although most of us have email, there are still many Kansans who do not have internet access. The issue about new developers not being able to find the owners seems curious. If owners signed paperwork and own the property this seems moot. At the very least they could make a phone call to the county where that information is a matter of public record. I personally know of several developers in Johnson County who have started projects and not finished them and all the dues are going to them to pay off debts etc. In the meantime, owners are living in less than finished projects with only promises of amenities. These situations require more, not less legislation to protect homeowners who live in these unfinished community projects. Please do not weaken this Law by giving boards, developers or management companies a way out of informing owners of important issues who do not live on the property.

Thank You.

Senate Local Government

2-15-2011

Attachment 2