



## State Statutory Requirements for Registration of Condos/HOAs

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### Arizona A.R.S. 10-11622 – Annual report

A. Each domestic corporation and each foreign corporation authorized to conduct affairs in this state shall deliver to the commission for filing an annual report that sets forth all of the following:

1. The name of the corporation and the state or country under whose law it is incorporated.
2. The address of its known place of business and the name and address of its agent in this state.
3. The address of its principal office.
4. The names and business addresses of its directors and principal officers.
5. A brief description of the nature of its activities.
6. Whether or not it has members.

7. A certificate of disclosure containing the information set forth in section 10-3202, subsection D.

8. A statement that all corporate income tax returns required by title 43 have been filed with the department of revenue.

B. A unit owners' association that is subject to title 33, chapter 9 or a planned community association that is subject to title 33, chapter 16 shall attach to and submit with the annual report a separate statement containing the name of the designated agent or management company for the association, the address for the association and the telephone number, e-mail address and website if any and fax number if any of the association or its designated agent or management company. Unit owners' associations and planned community associations shall file an amended statement reflecting changes in designated agent or management company within thirty days of any change.

C. The information in the annual report and the separate statement that is prescribed by subsection B of this section shall be current as of the date the annual report and separate statement are executed on behalf of the corporation.

D. The annual report for all corporations shall be delivered to the commission for filing, and the annual fee shall be paid on or before the date assigned by the commission. The commission may stagger the annual report filing date for all corporations and adjust the annual fee on a pro rata basis. The corporation shall deliver the annual report to the commission for filing each subsequent year in the anniversary month on the date assigned by the commission. If a corporation is unable to file the annual report required by this section on or before the date prescribed by this section, the corporation may file, but only on or before this date, a written request with the commission for an extension of time, not to exceed six months, in which to file the annual report. The request for an extension of time shall be accompanied by the annual registration fee required by law. After filing the request for an extension of time and on receipt of the annual registration fee, the commission shall grant the request.

E. If an annual report does not contain the information requested by this section, the commission shall promptly notify the reporting domestic or foreign corporation in writing and shall return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the commission within thirty days after the effective date of notice, it is deemed to be timely filed.

F. Any corporation that is exempt from the requirement of filing an annual report shall deliver annually a certificate of disclosure that contains the information set forth in section 10-3202, subsection D and that is executed by any two executive officers or directors of the corporation on or before May 31. If the certificate is not delivered within ninety days after the due date of the annual report or within ninety days after May 31 in the case of any corporation that is exempt from the requirement of filing an annual report, the commission shall initiate administrative dissolution of that corporation or revoke the application for authority of that corporation pursuant to chapters 24 through 40 of this title.

#### Colorado 38-33.3-401 Registration – annual fees

1) Every unit owners' association shall register annually with the director of the division of real estate, in the form and manner specified by the director.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), the unit owners' association shall submit with its annual registration a fee in the amount set by the director in accordance with [section 12-61-111.5, C.R.S.](#), and shall include the following information, updated within ninety days after any change:

(I) The name of the association, as shown in the Colorado secretary of state's records;

(II) The name of the association's management company, managing agent, or designated agent, which may be the association's registered agent, as shown in the Colorado secretary of state's records, or any other agent that the executive board has designated for purposes of registration under this section;

(III) The physical address of the HOA;

(IV) A valid address; email address, if any; web site, if any; and telephone number for the association or its management company, managing agent, or designated agent; and

(V) The number of units in the association.

(b) A unit owners' association is exempt from the fee, but not the registration requirement, if the association:

(I) Has annual revenues of five thousand dollars or less; or

(II) Is not authorized to make assessments and does not have revenue.

(3) A registration is valid for one year. The right of an association that fails to register, or whose annual registration has expired, to impose or enforce a lien for assessments under [section 38-33.3-316](#) or to pursue an action or employ an enforcement mechanism otherwise available to it under [section 38-33.3-123](#) is suspended until the association is validly registered pursuant to this section. A lien for assessments previously recorded during a period in which the association was validly registered or before registration was required pursuant to this section is not extinguished by a lapse in the association's registration, but a pending enforcement proceeding related to the lien is suspended, and an applicable time limit is tolled, until the association is validly registered pursuant to this section. An association's registration in compliance with this section revives a previously suspended right without penalty to the association.

(4) (a) A registration is valid upon the division of real estate's acceptance of the information required by paragraph (a) of subsection (2) of this section and the payment of applicable fees.

(b) An association's registration number, and an electronic or paper confirmation issued by the division of real estate, are prima facie evidence of valid registration.

(c) The director of the division of real estate's final determinations concerning the validity or timeliness of registrations under this section are subject to judicial review pursuant to [section 24-4-106 \(11\), C.R.S.](#);

except that the court shall not find a registration invalid based solely on technical or typographical errors.

**HISTORY:** Source: L. 2010: Entire part added, ([HB 10-1278](#)), [ch. 365](#), [p. 1723](#), [§ 5](#), effective January 1, 2011. L. 2013: Entire section amended, ([HB 13-1134](#)), [ch. 198](#), [p. 807](#), [§ 3](#), effective August 7.

Editor's note: The provisions of this act are based substantially on the "Uniform Common Interest Ownership Act", as promulgated by the National Conference of Commissioners on Uniform State Laws. Colorado did not adopt article 4 concerning protection of purchasers and the optional article 5 of said uniform act concerning administration and registration of common interest communities.

Law reviews: For article "Colorado Common Interest Ownership Act - How it is Doing", see 25 Colo. Law. 17 (November 1996); for article, "When the Developer Controls the Homeowner Association Board: The Benevolent Dictator?", see 31 Colo. Law. 91 (January 2002); for article, "S.B. 05-100 and 06-089--Impact on Colorado's Common Interest Communities", see 35 Colo. Law. 57 (December 2006).

#### [Connecticut](#) Chapter 828 Section 47-288

**Sec. 47-288. Registration of common interest community. Notice to Department of Housing.** (a) If a common interest community contains or will contain any conversion building, or any land currently or formerly in a mobile manufactured home park, in which any unit was last occupied as a dwelling unit, the declarant, prior to creating such common interest community, shall register such common interest community and each dwelling unit therein with the Commissioner of Housing in such manner as the commissioner may prescribe by regulations adopted pursuant to section 47-295. The declarant's registration shall be accompanied by a registration fee of fifty dollars per dwelling unit being converted. No declarant shall offer to sell, sell or otherwise dispose of a unit in a common interest community until such registration is filed and such registration fees are paid.

(b) At the time of giving a conversion notice, the declarant shall send a copy of the conversion notice to the Commissioner of Housing, together with: (1) The address of the property; (2) the number of occupied dwelling units in the property on the day of the notice; (3) the number of dwelling units in the property on the day of the notice; and (4) the number of dwelling units in the property occupied at any time during the preceding twelve months.

(c) The Commissioner of Housing, in addition to taking any action authorized by section 47-294, shall require the declarant to (1) provide the Department of Housing with a copy of the public offering statement and (2) distribute to tenants any material which the commissioner has prepared regarding the availability of governmental assistance.

(d) Within six months of giving the conversion notice, the declarant shall notify the Commissioner of Housing of: (1) The number of tenants who purchased their dwelling units or, in the case of a mobile manufactured home park, who purchased the space or lot upon which their dwelling units sit; (2) the number of tenants who stayed in their dwelling units and did not purchase; (3) the number of tenants who moved; (4) the number of moving tenants who received a relocation payment under section 47-287; and (5) the number of tenants against whom summary process proceedings were begun.

(e) The notification to the Commissioner of Housing pursuant to subsection (d) of this section shall be accompanied by a statement of the declarant, certified as true under penalty of false statement, that, to the best of his knowledge and belief, all tenants entitled to a relocation payment under section 47-287 received such payment. If any tenant entitled to a relocation payment did not receive it, the statement shall describe why the payment was not made.

(P.A. 83-474, S. 89, 96; P.A. 87-439, S. 1, 6; P.A. 88-364, S. 64, 123; P.A. 91-383, S. 25; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 87-439 added new Subsec. (a) re registration of common interest communities and relettered existing Subsecs. (a) to (d) as (b) to (e), changed “department of housing” to “commissioner of housing”, amended Subsec. (b) by deleting \$2 per unit fee provision and requiring additional information to be submitted pursuant to Subdivs. (3) and (4), amended Subsec. (c) by adding reference to Sec. 47-294, amended Subsec. (d) by adding Subdiv. (5) requiring notice of number of tenants against whom summary process proceedings were begun, and amended Subsec. (e) by requiring declarant’s statement to be certified as true under penalty of false statement; P.A. 88-364 made technical changes in Subsec. (d); P.A. 91-383 amended Subsec. (a) by including any common interest community containing any land currently or formerly in a mobile manufactured home park and amended Subsec. (d) by including in Subdiv. (1) the number of tenants, in the case of a mobile manufactured home park, who purchased the space or lot upon which their dwelling units sit; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; pursuant to P.A. 13-234, references to Commissioner of Economic and Community Development and Department of Economic and Community Development were changed editorially by the Revisors to references to Commissioner of Housing and Department of Housing, respectively, effective June 19, 2013.

### Florida Chapter 720.303

(13) **REPORTING REQUIREMENT.**—The community association manager or management firm, or the association when there is no community association manager or management firm, shall report to the division by November 22, 2013, in a manner and form prescribed by the division.

(a) The report shall include the association’s:

1. Legal name.
2. Federal employer identification number.
3. Mailing and physical addresses.
4. Total number of parcels.
5. Total amount of revenues and expenses from the association’s annual budget.

(b) For associations in which control of the association has not been transitioned to nondeveloper members, as set forth in s. [720.307](#), the report shall also include the developer’s:

1. Legal name.
2. Mailing address.

3. Total number of parcels owned on the date of reporting.

(c) The reporting requirement provided in this subsection shall be a continuing obligation on each association until the required information is reported to the division.

(d) By October 1, 2013, the department shall establish and implement a registration system through an Internet website that provides for the reporting requirements of paragraphs (a) and (b).

(e) The department shall prepare an annual report of the data reported pursuant to this subsection and present it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2013, and each year thereafter.

(f) The division shall adopt rules pursuant to ss. [120.536](#)(1) and [120.54](#) to implement the provisions of this subsection.

(g) This subsection shall expire on July 1, 2016, unless reenacted by the Legislature.

#### [Hawaii](#) Chapter 514B-103

**§514B-103 Association; registration.** (a) Each project or association having more than five units shall:

(1) Secure and maintain a fidelity bond in an amount for the coverage and terms as required by section 514B-143(a)(3). An association shall act promptly and diligently to recover from the fidelity bond required by this section. An association that is unable to obtain a fidelity bond may seek approval for an exemption, a deductible, or a bond alternative from the commission. Current evidence of a fidelity bond includes a certification statement from an insurance company registered with the department of commerce and consumer affairs certifying that the bond is in effect and meets the requirement of this section and the rules adopted by the commission;

(2) Register with the commission through approval of a completed registration application, payment of fees, and submission of any other additional information set forth by the commission. The registration shall be for a biennial period with termination on June 30 of each odd-numbered year. The commission shall prescribe a deadline date prior to the termination date for the submission of a completed reregistration application, payment of fees, and any other additional information set forth by the commission. Any project or association that has not met the submission requirements by the deadline date shall be considered a new applicant for registration and be subject to initial registration requirements. Any new project or association shall register within thirty days of the association's first meeting. If the association has not held its first meeting and it is at least one year after the recordation of the purchase of the first unit in the project, the developer or developer's affiliate or the managing agent shall register on behalf of the association and shall comply with this section, except for the fidelity bond requirement for associations required by section [514B-143(a)(3)]. The public information required to be submitted on any completed application form shall include but not be limited to evidence of and information on fidelity bond coverage, names and positions of the officers of the association, the name of the association's managing agent, if any, the street and the postal address of the condominium, and the name and current mailing address of a designated officer of the association where the officer can be contacted directly;

(3) Pay a nonrefundable application fee and, upon approval, an initial registration fee, a reregistration fee upon reregistration and the condominium education trust fund fee, as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91;

(4) Register or reregister and pay the required fees by the due date. Failure to register or reregister or pay the required fees by the due date shall result in the assessment of a penalty equal to the amount of the registration or reregistration fee; and

(5) Report promptly in writing to the commission any changes to the information contained on the registration or reregistration application or any other documents required by the commission. Failure to do so may result in termination of registration and subject the project or the association to initial registration requirements.

(b) The commission may reject or terminate any registration submitted by a project or an association that fails to comply with this section. Any association that fails to register as required by this section or whose registration is rejected or terminated shall not have standing to maintain any action or proceeding in the courts of this State until it registers. The failure of an association to register, or rejection or termination of its registration, shall not impair the validity of any contract or act of the association nor prevent the association from defending any action or proceeding in any court in this State. [L 2004, c 164, pt of §2; am L 2007, c 244, §6]

#### **Note**

L 2007, c 244, §9 provides:

"SECTION 9. Where an association is unable to obtain the required fidelity bond of section 514B-103, the real estate commission's current fidelity bond exemption policies shall be used until such time as the real estate commission adopts rules."

#### **Illinois**

Here is the listing that Illinois keeps of associations via its Corporate/LLC certificate of good standing. Most associations are listed and in good standing, a few are not aware they should be.

But we have all bought this list from the State of IL over the years and found it to be useless for mailing purposes. They used to update every two years, so by the time it was updated the contact was old information. I am not sure how often that it is updated now but the registered agent and President and Secretary are listed.

<https://www.ilsos.gov/corporatellc/>

#### **Maryland Real Property Section 11-127**

§11-127.

(a) A contract for the initial sale of a unit to a member of the public may not be entered into until the public offering statement for the proposed condominium regime has been registered with the Secretary of State and until 10 days after all amendments then applicable to the public offering statement have been filed with the Secretary of State under subsection (d) of this section.

(b) (1) An application for registration shall consist of the public offering statement described in § 11-126 of this title. A developer shall file the number of copies required by the Secretary of State. The Secretary of State shall notify the governing body of the county and/or municipality in which the condominium is located of the filing of the application. An application shall be accompanied by a fee of not less than \$100, in an amount equal to \$5 per unit.

(2) A developer promptly shall file amendments to report any material change in any document or information contained in the application.

(c) (1) The Secretary of State shall acknowledge receipt of an application for registration within 5 business days after receiving it. The Secretary shall determine whether the application satisfies the disclosure requirements of § 11-126 of this title within 45 days after receipt.

(2) If the Secretary of State determines that the application complies with § 11-126 of this title, the Secretary shall issue promptly an order registering the condominium. Otherwise, unless the developer has consented in writing to a delay not to exceed 30 days, the Secretary shall issue promptly an order rejecting registration. The order shall include the specific reasons for the rejection. The Secretary's failure to issue any order within 45 days of receipt or within the time period agreed upon shall be deemed an approval of the condominium. Rejection of an application for registration by the Secretary of State may not act as a bar to reapplication for registration. An application amended to comply with the stated reasons for rejection and accompanied by an additional fee as provided in subsection (b) of this section shall be approved by the Secretary of State upon his determination that the amended application satisfies the requirements of this section.

(d) (1) (i) A developer shall promptly file with the Secretary of State copies of any changes in the documents or information contained in the public offering statement which are necessary to make the documents or information current.

(ii) A public offering statement is current if the information required under § 11-126(b)(2), (4), (5), (6), and (12) of this title is updated and filed by the developer not less than annually.

(2) (i) A developer shall file a written statement with the council of unit owners describing the progress of construction, repairs, and all other work on the condominium, which the developer has completed or intends to complete in accordance with the public offering statement for the condominium.

(ii) This written statement shall be filed within 30 days after the anniversary date for registration of the public offering statement for the condominium and annually thereafter until the registration of the condominium is terminated.

(3) A developer shall notify the Secretary of State in writing when all of the units in the condominium have been conveyed to unit owners other than the developer, and the developer either cannot add additional units to the condominium or has determined that no additional units will be added to the condominium.

(4) If the developer notifies the Secretary of State that all of the units in the condominium have been conveyed to unit owners other than the developer, and that the developer either cannot add additional units to the condominium, or has determined that no additional units will be added to the



condominium, the Secretary of State shall issue an order terminating the registration of the condominium.

(e) The Secretary of State shall be responsible for the administration of this section.

(1) The Secretary may adopt, amend, and repeal regulations necessary to carry out the requirements of the provisions of this section.

(2) The Secretary may prescribe forms and procedures for submitting applications.

(f) This section does not apply to the sale of any unit which is to be occupied and used for nonresidential purposes.

**Michigan 450.2131 Submission of documents; delivery; endorsement; indexing; returning copy or original; public inspection; maintenance of records and files; reproductions; effective date of document; fees.**

Sec. 131.

(1) A document required or permitted to be filed under this act shall be submitted by delivering the document to the administrator together with the fees and accompanying documents required by law. The administrator may establish a procedure for accepting delivery of a document submitted under this subsection by facsimile or by other electronic transmission. The administrator shall accept delivery of documents submitted by electronic mail or over the internet.

(2) If a document submitted under subsection (1) substantially conforms to the requirements of this act, the administrator shall endorse on it the word "filed" with his or her official title and the dates of receipt and of filing, and shall file and index the document or a reproduction of the document pursuant to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, in his or her office. If requested at the time of the delivery of the document to the administrator's office, the administrator shall include the hour of filing in the endorsement on the document.

(3) The administrator may return a copy of a document filed under subsection (2), or, at his or her discretion, the original, to the person that submitted the document for filing. The administrator shall mark the filing date on the copy or original before returning it or may provide proof of the filing date to the person that submitted the document for filing in another manner determined by the administrator.

(4) The records and files of the administrator relating to domestic and foreign corporations shall be open to reasonable inspection by the public. The administrator may maintain the records or files either in their original form or in the form of reproductions pursuant to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, and may destroy the original of the reproduced documents.

(5) The administrator may make reproductions of any documents filed under this act, or any predecessor act, pursuant to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, and may destroy the originals of the reproduced documents.

(6) A document filed under subsection (2) is effective at the time it is endorsed unless a subsequent effective time, not later than 90 days after the date of delivery, is set forth in the document.

(7) The administrator shall charge 1 of the following nonrefundable fees if expedited filing of a document by the administrator is requested and the administrator shall retain the revenue collected under this subsection and the department shall use it to carry out its duties required by law:

(a) For any filing that a person requests the administrator to complete within 1 hour on the same day as the day of the request, \$1,000.00. The department may establish a deadline by which a person must submit a request for filing under this subdivision.

(b) For any filing that a person requests the administrator to complete within 2 hours on the same day as the day of the request, \$500.00. The department may establish a deadline by which a person must submit a request for filing under this subdivision.

(c) Except for a filing request under subdivision (a) or (b), for the filing of any formation or qualification document that a person requests the administrator to complete on the same day as the day of the request, \$100.00. The department may establish a deadline by which a person must submit a request for filing under this subdivision.

(d) Except for a filing request under subdivision (a) or (b), for the filing of any other document concerning an existing domestic corporation or a qualified foreign corporation that a person requests the administrator to complete on the same day as the day of the request, \$200.00. The department may establish a deadline by which a person must submit a request for filing under this subdivision.

(e) For the filing of any formation or qualification document that a person requests the administrator to complete within 24 hours of the time the administrator receives the request, \$50.00.

(f) For the filing of any other document concerning an existing domestic corporation or a qualified foreign corporation that a person requests the administrator to complete within 24 hours of the time the administrator receives the request, \$100.00.

History: 1982, Act 162, Eff. Jan. 1, 1983 ;-- Am. 1992, Act 198, Imd. Eff. Oct. 5, 1992 ;-- Am. 2005, Act 219, Eff. Jan. 1, 2006 ;-- Am. 2014, Act 557, Imd. Eff. Jan. 15, 2015

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Kevin Hirzel's Note: It is difficult to try and find the names of all condos or HOA's on the Michigan Department of Licensing and Regulatory Affairs (LARA) website. Most of our register of deeds would have a list of every condominium in the county (although not all have them). Most of them don't have a list of HOA's that are associated with platted subdivisions though.

### Minnesota **317A.821 INITIAL CORPORATE REGISTRATION WITH SECRETARY OF STATE.**

Subdivision 1. Notice from secretary of state; registration required. (a) Before February 1, 1990, the secretary of state shall mail a corporate registration form by first-class mail to each corporation at its last registered office address listed in the records of the secretary of state. The form must include the exact legal corporate name and registered office address currently on file with the secretary of state.

(b) A corporation that is subject to chapter 317 shall file an initial corporate registration with the secretary of state between January 1, 1990, and December 31, 1990. The registration must include the exact legal corporate name and registered office address of the corporation and must be signed by an authorized person. If the current registered office address listed in the records of the secretary of state is not in compliance with section 317A.011, subdivision 2, or if the corporation has changed its registered office address to an address other than that listed with the secretary of state, the corporation shall list a new registered office address that complies with section 317A.011, subdivision 2, on the registration form. A fee of \$35 must be paid for filing the registered office address change, provided that a fee may not be charged if the registered office address is being changed only because of failure to comply with section 317A.011, subdivision 2. The new registered office address must have been approved by the board.

Subd. 2. Loss of good standing. A corporation that does not file the initial corporate registration required under subdivision 1 with the secretary of state on or before December 31, 1990, loses its good standing. To regain its good standing, the corporation must file the initial corporate registration. If, as a part of the initial corporate registration process the corporation needs to bring its registered office address into compliance with section 317A.011, subdivision 2, the fees stated in subdivision 1, paragraph (b), apply.

Subd. 3. Dissolution; extension. If a corporation fails to regain its good standing under subdivision 2 on or before December 31, 1997, the corporation is dissolved under section 317A.827. After December 31, 1997, the corporate existence of a corporation dissolved under this subdivision may be extended by filing the initial corporate registration with the secretary of state and payment of a \$25 fee. The extension relates back to December 31, 1997.

Subd. 4. [Repealed, 1989 c 304 s 139]

History: 1989 c 304 s 120; 1989 c 335 art 1 s 205; 1990 c 488 s 39,40; 1991 c 205 s 14; 1992 c 503 s 14,15; 1997 c 137 s 10

#### **Nevada NRS 116.31158 Registration of associations with Ombudsman; contents of form for registration.**

1. Each association shall, at the time it pays the fee required by [NRS 116.31155](#), register with the Ombudsman on a form prescribed by the Ombudsman.
2. The form for registration must include, without limitation, the information required to be maintained pursuant to paragraph (e) of subsection 4 of [NRS 116.625](#).

(Added to NRS by [1999, 2996](#); A [2003, 2243](#))

#### **New Hampshire Section 356-B:51**

##### **356-B:51 Application for Registration; Fee. –**

I. The application for registration of the condominium shall be filed in a form prescribed by the attorney general and shall contain the following documents and information:

- (a) An irrevocable appointment of the attorney general to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the declarant or his personal representative;
- (b) Site and floor plans which comply with RSA 356-B:20, except that the certificates required with

respect thereto need not be signed prior to approval of said application;

(c) The states or jurisdictions in which an application for registration or similar document has been filed, and any adverse order, judgment, or decree entered in connection with the condominium by the regulatory authorities in each jurisdiction or by any court;

(d) The declarant's name, address, and the form, date, and jurisdiction of organization, and the address of each of its offices in this state;

(e) The name, address, and principal occupation for the past 5 years of every officer of the declarant or person occupying a similar status or performing similar functions; the extent and nature of his interest in the declarant or the condominium as of a specified date within 30 days of the filing of the application;

(f) If the declarant is a closely held corporation, partnership, joint stock company, trust or sole proprietorship, the name, address, and principal occupation of each trustee, stockholder, partner, or person having any beneficial interest therein;

(g) If the declarant is a publicly held corporation, the name, address and principal occupation of each stockholder owning more than 10 percent of the shares outstanding;

(h) If the declarant is a subsidiary corporation, the name, address and principal occupation of each stockholder or person having a beneficial interest therein, and the name, address and principal occupation of each stockholder owning more than 10 percent of the shares outstanding in the corporation or corporations to which it is subsidiary;

(i) A statement of the condition of the title to the condominium, including all easements, conditions, covenants, restrictions, liens and other encumbrances, if any, affecting the condominium property owned by the declarant, with appropriate recording data, as of a specified date within 30 days of the date of application, which statement shall be in the form of a title opinion of a licensed attorney, not under salary to the declarant, or other evidence of title acceptable to the attorney general;

(j) Copies of the instruments which will be delivered to a purchaser to evidence his interest in the unit and of the contracts and other agreements which a purchaser will be required to agree to or sign;

(k) Copies of the declaration and bylaws and of any management contracts or other contracts, including leases, affecting the use, maintenance or administration of, or access to, all or a part of the condominium;

(l) If there is a blanket encumbrance or lien affecting more than one unit, a statement of the consequences for a purchaser of failure to discharge the blanket encumbrance or lien and the steps, if any, taken to protect the purchaser in case of this eventuality;

(m) A statement of the zoning, subdivision, and other governmental approvals, if any, affecting the condominium, including building permits and their status, and also, if known, any existing tax and existing or proposed special taxes or assessments which affect the condominium;

(n) A statement of the existing provisions for access, sewage disposal, water, and other public utilities in the condominium; a statement of any improvements or amenities which may be constructed, an estimate of their cost and the schedule for their completion, provided, however, that if the declarant will give no assurances as to the construction or completion of said improvements or amenities, a statement that no assurance will be given must be included; and a statement of the plan for financing the construction of said improvements or amenities and the maintenance of the condominium;

(o) A description of the promotion plan for the disposition of the units in the condominium;

(p) The proposed public offering statement;

(q) If the declarant is a corporation, a copy of its articles of incorporation with all amendments thereto;

(r) If the declarant is a trust, a copy of all instruments by which the trust is created together with all

amendments thereto;

(s) If the declarant is a partnership, unincorporated association, joint stock company, or any other form or organization, a copy of its articles of partnership or association and all other papers pertaining to its organization, including all amendments thereto;

(t) If the declarant is not the holder of legal title, copies of the appropriate documents required by subparagraphs I(q), (r) or (s) shall be submitted for the holder of legal title;

(u) Any other information including any current financial statement, which the attorney general by rules reasonably requires for the protection of purchasers. If the declarant is a corporation, limited liability company, or other entity, personal financial statements from all principals holding more than a 25 percent ownership interest in the declarant, certified as true and complete by the individual principals, accompanied by federal income tax returns for the 2 most recent full calendar years, may be submitted in lieu of financial statements for the declarant. Financial information filed with the attorney general shall not be disclosed publicly except in connection with a hearing, civil action, or criminal action involving the party who submitted the information.

II. A declarant of a condominium of no more than 25 units may make an abbreviated registration, in lieu of these requirements, which shall contain only the documents and information required by RSA 356-B:51, I(a), (c)-(h), (k), (m), (n), (o) and (u); provided, however, that this section shall not apply to a condominium in which time sharing interests are offered.

III. A declarant of a condominium which has been registered under the federal Interstate Land Sales Full Disclosure Act may file, in lieu of the documents and information required by RSA 356-B:51, I(b)-(e) and (i)-(t) and RSA 356-B:52, I, a copy of an effective statement of record, a property report, and any exhibits requested by the agency, filed with the secretary of housing and urban development.

IV. The submission of documents and information required by RSA 356-B:51, I, may be satisfied by the documents and information contained in or attached to the public offering statement.

V. If the declarant registers additional units to be offered for disposition in the same condominium, he may consolidate the subsequent registration with any earlier registration offering units in the condominium for disposition under the same promotional plan.

VI. At any time the attorney general has reasonable cause to believe that the declarant may be unable to complete the development of a condominium, or provide for its maintenance, if responsibility therefor is assumed by the declarant, as represented in its application for registration due to:

(a) Its failure to commence or complete the development of the condominium according to schedules set forth in the application;

(b) Its failure to commence or complete the development of any other condominium or subdivided lands, as defined in RSA 356-A:1, VI, according to representations authorized and made by the declarant or subdivider in connection with the offering or disposing of any interest therein;

(c) Its failure to set forth a reasonable plan to obtain adequate financing to commence or complete the development of the condominium or provide for its maintenance; or

(d) Its commission of any false, deceptive or misleading acts in connection with the offering or disposing of any interest in any condominium or subdivided lands, as defined above;

he may require the declarant to post a bond in favor of the state or to provide evidence of financial security in such amount as the attorney general determines to be necessary to provide reasonable assurance of the commencement and completion of the development of the condominium. Such bond shall not be accepted unless it is with a surety company authorized to do business in this state. Any person aggrieved by the failure of the declarant to complete the condominium as represented in the

application may proceed on such bond against the declarant or surety or both to recover damages.

VII. Each application shall be accompanied by a fee in an amount equal to \$30 per unit, except that the initial application fee shall be not less than \$300 nor more than \$2,000, and the fee for any application for registration of additional units shall be not less than \$200 nor more than \$2,000.

**Source.** 1977, 468:1. 1981, 568:25, II. 1983, 469:82. 1985, 300:7, I(b). 1989, 408:101, eff. July 1, 1989. 2009, 144:239, eff. July 1, 2009. 2011, 224:318, eff. July 1, 2011. 2015, 256:1, eff. Jan. 1, 2016.

#### **Utah 57-8a-105. Registration with Department of Commerce.**

- (1) As used in this section, "department" means the Department of Commerce created in Section [13-1-2](#).
- (2)
  - (a) No later than 90 days after the recording of a declaration of covenants, conditions, and restrictions establishing an association, the association shall register with the department in the manner established by the department.
  - (b) An association existing under a declaration of covenants, conditions, and restrictions recorded before May 10, 2011, shall, no later than July 1, 2011, register with the department in the manner established by the department.
- (3) The department shall require an association registering as required in this section to provide with each registration:
  - (a) the name and address of the association;
  - (b) the name, address, telephone number, and, if applicable, email address of the chair of the association board;
  - (c) contact information for the manager;
  - (d) the name, address, telephone number, and, if the contact person wishes to use email or facsimile transmission for communicating payoff information, the email address or facsimile number, as applicable, of a primary contact person who has association payoff information that a closing agent needs in connection with the closing of a lot owner's financing, refinancing, or sale of the owner's lot; and
  - (e) a registration fee not to exceed \$37.
- (4) An association that has registered under Subsection [\(2\)](#) shall submit to the department an updated registration, in the manner established by the department, within 90 days after a change in any of the information provided under Subsection [\(3\)](#).

- (5) (a) During any period of noncompliance with the registration requirement described in Subsection [\(2\)](#) or the requirement for an updated registration described in Subsection [\(4\)](#):
- (i) a lien may not arise under Section [57-8a-301](#); and
  - (ii) an association may not enforce an existing lien that arose under Section [57-8a-301](#).
- (b) A period of noncompliance with the registration requirement of Subsection [\(2\)](#) or with the updated registration requirement of Subsection [\(4\)](#) does not begin until after the expiration of the 90-day period specified in Subsection [\(2\)](#) or [\(4\)](#), respectively.
- (c) An association that is not in compliance with the registration requirement described in Subsection [\(2\)](#) may end the period of noncompliance by registering with the department in the manner established by the department under Subsection [\(2\)](#).
- (d) An association that is not in compliance with the updated registration requirement described in Subsection [\(4\)](#) may end the period of noncompliance by submitting to the department an updated registration in the manner established by the department under Subsection [\(4\)](#).
- (e) Except as described in Subsection [\(5\)\(f\)](#), beginning on the date an association ends a period of noncompliance:
- (i) a lien may arise under Section [57-8a-301](#) for any event that:
    - (A) occurred during the period of noncompliance; and
    - (B) would have given rise to a lien under Section [57-8a-301](#) had the association been in compliance with the registration requirements described in this section; and
  - (ii) an association may enforce a lien described in Subsection [\(5\)\(e\)](#) or a lien that existed before the period of noncompliance.
- (f) If an owner's residential lot is conveyed to an independent third party during a period of noncompliance described in this Subsection [\(5\)](#):
- (i) a lien that arose under Section [57-8a-301](#) before the conveyance of the residential lot became final is extinguished when the conveyance of the residential lot becomes final; and
  - (ii) an event that occurred before the conveyance of the residential lot became final, and that would have given rise to a lien under Section [57-8a-301](#) had the association been in compliance with the registration requirements of this section, may not give rise to a lien under Section [57-8a-301](#) if the conveyance of the residential lot becomes final before the association ends the period of noncompliance.

Virginia § 55-79.89. Application for registration; fee.



A. The application for registration of the condominium shall be filed as prescribed by the agency's regulations and shall contain the following documents and information:

1. An irrevocable appointment of the agency to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative if nonresidents of the Commonwealth;
2. The states or jurisdictions in which an application for registration or similar document has been filed, and any adverse order, judgment, or decree entered in connection with the condominium by the regulatory authorities in each jurisdiction or by any court;
3. The applicant's name, address, and the form, date, and jurisdiction or organization; and the address of each of its offices in this Commonwealth;
4. The name, address, and principal occupation for the past five years of every officer of the applicant or person occupying a similar status or performing similar functions; the extent and nature of his interest in the applicant or the condominium as of a specified date within 30 days of the filing of the application;
5. A statement, in a form acceptable to the agency, of the condition of the title to the condominium project including encumbrances as of a specified date within 30 days of the date of application by a title opinion of a licensed attorney, not a salaried employee, officer or director of the applicant or owner, or by other evidence of title acceptable to the agency;
6. Copies of the instruments which will be delivered to a purchaser to evidence his interest in the unit and of the contracts and other agreements which a purchaser will be required to agree to or sign;
7. Copies of any management agreements, employment contracts or other contracts or agreements affecting the use, maintenance or access of all or a part of the condominium;
8. A statement of the zoning and other governmental regulations affecting the use of the condominium, including the site plans and building permits and their status, and also of any existing tax and existing or proposed special taxes or assessments which affect the condominium;
9. A narrative description of the promotional plan for the disposition of the units in the condominium;
10. Plats and plans of the condominium that comply with the provisions of § [55-79.58](#) other than the certification requirements thereof, and which show all units and buildings containing units to be built anywhere within the submitted land other than within the boundaries of any convertible lands, except that the agency may establish by regulation or order requirements in lieu of the provisions of § [55-79.58](#) for plats and plans of a condominium located outside this Commonwealth;
11. The proposed public offering statement;
12. Any bonds required to be posted pursuant to the provisions of this chapter; and
13. Any other information, including any current financial statement, which the agency by its regulations requires for the protection of purchasers.

B. If the declarant registers additional units to be offered for disposition in the same condominium he may consolidate the subsequent registration with any earlier registration offering units in the condominium for disposition under the same promotional plan.



C. The declarant shall immediately report any material changes in the information contained in an application for registration.

D. Each application shall be accompanied by a fee in an amount established by the agency pursuant to § [54.1-113](#). All fees shall be remitted by the agency to the State Treasurer, and shall be placed to the credit of the Common Interest Community Management Information Fund established pursuant to § [55-529](#).

1974, c. 416; 1975, c. 415; 1977, c. 428; 1988, c. 16; 2008, cc. [851](#), [871](#); 2011, c. [605](#).

#### Virginia Condominium § 55-79.93:1. Annual report by unit owners' association.

A. The unit owners' association shall file an annual report in a form and at such time as prescribed by regulations of the agency. The filing of the annual report required by this section shall commence upon the termination of the declarant control period pursuant to § [55-79.74](#). The annual report shall be accompanied by a fixed fee in an amount established by the agency.

B. The agency may accept copies of forms submitted to other state agencies to satisfy the requirements of this section if such forms contain substantially the same information required by the agency.

C. The unit owners' association shall also remit to the agency an annual payment as follows:

1. The lesser of:

a. \$1,000 or such other amount as established by agency regulation; or

b. Five hundredths of one percent (0.05%) of the unit owners' association's gross assessment income during the preceding year.

2. For the purposes of clause b of subsection C, no minimum payment shall be less than \$10.00.

D. The annual payment shall be remitted to the State Treasurer and shall be placed to the credit of the Common Interest Community Management Fund established pursuant to § [55-529](#).

1993, c. 958; 2008, cc. [851](#), [871](#); 2009, c. [557](#); 2012, cc. [481](#), [797](#).

#### Virginia Property Owners Association § 55-516.1. Annual report by association.

A. The association shall file an annual report in a form and at such time as prescribed by regulations of the Common Interest Community Board. The annual report shall be accompanied by a fixed fee in an amount established by the Board.

B. The Common Interest Community Board may accept copies of forms submitted to other state agencies to satisfy the requirements of this section if such forms contain substantially the same information required by the Common Interest Community Board.

C. The association shall also remit to the agency an annual payment as follows:

1. The lesser of:

a. \$1,000 or such other amount as established by agency regulation; or

b. Five hundredths of one percent (0.05%) of the association's gross assessment income during the preceding year.

2. For the purposes of subdivision 1 b, no minimum payment shall be less than \$10.00.

D. The annual payment shall be remitted to the State Treasurer and shall be placed to the credit of the Common Interest Community Management Fund established pursuant to § [55-529](#).

1993, c. 958; 2008, cc. [851](#), [871](#); 2009, c. [557](#); 2012, cc. [481](#), [797](#).