

## 2016 End of Session Report

**Political signs** – [HB 1754](#) specified that a deed restriction, covenant, or similar binding agreement running with a parcel of land cannot prohibit or have the effect of prohibiting the display of political signs. A homeowners' association may adopt reasonable rules regarding political signs as specified in the bill. A homeowners' association may not remove a sign or impose a fine or penalty unless written notice of a reasonable rule violation has been given and a three-day period has passed. The LAC monitored this legislation, which is also a perennial issue. It passed in the House but died in the Senate.

**Solar panel restrictions** – [HB 2152](#) and SB 631 prohibit the adoption of a bylaw or the exercise of any power by a homeowners' association, common interest community association, or condominium unit owners' association that prohibits or has the effect of prohibiting the installation of a solar energy system. They provide no deed restrictions, covenants, or similar binding agreement running with the land can prohibit the installation of a system on a building that is subject to these associations. Further, they required the placement of a solar system may be regulated per criteria specified in the bill and each association must adopt an energy policy statement regarding the location, design, and architectural requirements of a system within 120 days upon the request for a statement or an application from an association member. Whenever approval is required for the installation or use of a system, the application for approval must be processed by the appropriate approving entity of the association within 90 days after the submission of the application. This is a perennial issue that the LAC opposed. It died in the House.

**HOA Act** – [HB 2361](#) created a regulatory scheme for homeowners associations. The bill regulates the management and operation of associations including the organizational structure, required offices of the associations, the powers of the associations, and the process for transfer of control from a developer to an association as lots are sold in new developments. The bill also lists terms which must be included in the by-laws of a homeowners association, including the required number of members of the executive board and titles for those members, the election process for the members, powers and qualifications of the board, powers which may be delegated to other persons or a managing agent, and provisions relating to meetings, voting, quorums, financial responsibilities, special assessments, and other activities of the association. The LAC worked to have this version of an HOA act introduced. This version, as well as others introduced this session, died upon adjournment.

**Short-term rental restrictions** – [HB 2662](#) prohibits political subdivisions from enacting or enforcing an ordinance prohibiting or unreasonably restricting residential dwelling rentals. The bill did not appear to address community associations' ability to regulate short-term rentals, so the LAC was neutral and only monitored the measure. It died upon adjournment.

**Amateur radio service** – A mirror of pending Federal legislation, [HB 1951](#) prohibits the use of deeds, restrictive covenants, or other contractual obligations involving land to impede the use of amateur service communications as defined in federal law. Reasonable accommodation for such services is required and any restrictions must be minimal and imposed to serve legitimate purposes. The controversial measure passed the House 82-69 and died in the Senate. The LAC opposed this measure and expects it to be reintroduced in 2017.