

Summary of Legislative Updates Affecting Community Associations

1. Governance and Elections

- Elections for condominium and homeowners association boards must be conducted by independent parties with no conflicts of interest.
- Property managers are not considered independent unless ‘owned” by the association.
- Associations may use third-party vendors or technology platforms to conduct elections.
- Governing bodies must accommodate unit owner organizing activities and cannot retaliate against such efforts.
- Any governing document provisions inconsistent with these election requirements are void.

2. Transparency and Records Access

- Associations must provide financial statements and meeting minutes within 21–45 days of request.
- No charges may be imposed for in-person examination or electronic delivery of financial statements.
- Reasonable fees may be charged for copying documents, but must comply with court-authorized limits.

3. Consumer Protection

- The Division of Consumer Protection within the Attorney General’s office is now empowered to enforce laws affecting condominium and HOA consumers.
- Local jurisdictions may adopt additional consumer protection laws, which must be reported to the Secretary of State or HOA depository.

4. Accessory Dwelling Units (ADUs)

- Local governments must adopt laws by October 1, 2026, allowing ADUs on lots with single-family detached homes.
- HOAs may treat ADUs as separate lots for voting and assessment purposes.
- Restrictions on ADUs in governing documents are unenforceable if they unreasonably limit development or rental.

- ADUs must meet safety, parking, and density standards, but cannot be excluded from residential growth calculations.

5. Family Child Care Homes

- Associations cannot prohibit or restrict family child care homes or large family child care homes unless explicitly stated and approved by a majority vote.
- Associations may charge reasonable fees and require liability insurance but cannot limit the number of children below state-authorized thresholds.

6. Reserve Funding Requirements

- Associations must conduct reserve studies every 5 years and develop funding plans using accepted accounting methods.
- Annual budgets must reflect reserve funding levels recommended in the most recent study.
- Financial hardship provisions allow temporary deviations from funding requirements, subject to documentation and board approval.

7. Solar Collector Systems

- Restrictions that increase installation cost by $\geq 5\%$ or reduce efficiency by $\geq 10\%$ are deemed unreasonable.
- Associations may prohibit or restrict solar installations in common areas but must allow reasonable accommodations.
- Boards may install solar systems in common areas if not prohibited by law.