

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6683

BILL NUMBER: HB 1071

NOTE PREPARED: Feb 18, 2009

BILL AMENDED: Feb 17, 2009

SUBJECT: Homeowners Associations.

FIRST AUTHOR: Rep. Cheatham

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) The bill applies the following provisions to a homeowners association (association) established after June 30, 2009, and allows an association established before July 1, 2009, to elect to be governed by the provisions:

- (1) The bill requires an association to maintain a current roster of all members of the association (members).
- (2) The bill requires an association to prepare an annual budget that must be approved by the members.
- (3) The bill requires the board of directors of an association (board) to address an item of business if more than 50% of the members petition the board to address the item.
- (4) The bill prohibits a board from entering into certain contracts without the approval of the affected members.
- (5) The bill prohibits a homeowners association from incurring certain amounts of indebtedness or liability on behalf of the homeowners association unless incurring the indebtedness or liability is approved by the affirmative vote of a majority of members of the homeowners association.
- (6) The bill provides that the governing documents of an association must include grievance resolution procedures that provide for the final and binding resolution of disputes.
- (7) The bill provides that the governing documents of an association must allow the termination of the association.
- (8) The bill specifies that an unpaid regular annual assessment imposed by a homeowners association on a member is enforceable as a lien on real property owned by the member only after the association has failed to collect the assessment by bringing a civil action in court and all other unpaid assessments are not enforceable as a lien on real property owned by a member.
- (9) The bill prohibits an association from suspending the voting rights of a member for nonpayment of annual assessments unless the assessments are delinquent for more than one year.

(10) The bill provides certain defenses to a member if the association brings a civil action against the member involving an act in furtherance of the member's right of petition or free speech.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: (Revised) Local small claims courts could receive an increase in workload if more homeowners associations file civil suits.

Explanation of Local Revenues: (Revised) *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts (small claims).

Information Sources:

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