

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE RESOLUTION 935

Sponsors: Representatives McGee, Weiss (Primary Sponsors); Adams, M. Alexander, Allred, Avila, Barnhart, Blackwood, Blue, Blust, Bordsen, Brown, Brubaker, Burr, Burris-Floyd, Carney, Coates, Cotham, Current, Dickson, Dollar, Earle, Fisher, Grady, Guice, Haire, Hall, Harrell, Harrison, Holliman, Holloway, Howard, Insko, Jackson, Jeffus, Johnson, Justus, Langdon, Lewis, Lucas, Luebke, Martin, McCormick, McElraft, Moore, Neumann, Parmon, Pierce, Randleman, Rapp, Ross, Sager, Samuelson, Stam, Starnes, Steen, Stiller, Tarleton, Underhill, West, Wiley, Womble, and Yongue.

Referred to: State Government/State Personnel, if favorable, Rules, Calendar, and Operations of the House.

April 1, 2009

1 A HOUSE RESOLUTION ESTABLISHING THE HOUSE SELECT COMMITTEE ON
2 HOMEOWNER ASSOCIATIONS.

3 Whereas, during the 2005 General Assembly, S.L. 2005-422 was enacted; and

4 Whereas, this legislation amended the North Carolina Planned Community Act and
5 the North Carolina Condominium Act to provide for greater protections and participation by
6 homeowners in the governance of their homeowner associations; and

7 Whereas, the changes in S.L. 2005-422 included caps on the charge for late payment
8 of assessments, caps on attorneys' fees in uncontested actions for the collection and the
9 enforcement of a lien for dues or assessments, reduction in the maximum daily fine for
10 violations of the covenants or the rules of the association adopted pursuant to the authority of
11 the covenants, notice to a homeowner before attorneys' fees and court costs can be assessed in
12 an enforcement action for the nonpayment of assessments or for other violations, modification
13 of the foreclosure process used against the homeowner in certain situations, prohibiting an
14 association from assessing certain fees against the homeowner unless expressly allowed in the
15 declaration, requiring executive boards to provide owners an opportunity to attend and speak at
16 meetings, and requiring associations to maintain detailed records and to give owners access to
17 these records; and

18 Whereas, the House of Representatives desires to create a select committee as there
19 are still significant issues that need to be addressed concerning the protection and participation
20 of homeowners in the governance of their homeowner associations, particularly as to
21 assessments and record keeping of the associations; and

22 Whereas, House Rule 26(a) allows the House, by resolution, to establish select
23 committees; Now, therefore,

24 Be it resolved by the House of Representatives:

25 **SECTION 1.** The House Select Committee on Homeowner Associations is created.
26 The Select Committee shall consist of the number of members appointed by the Speaker. The
27 Speaker shall issue a charge to the Select Committee and provide for its meetings during the
28 2009 Regular Session and during the interims in 2009 and 2010. The Select Committee may



- 1 submit an interim report, including any proposed legislation, on or before May 1, 2010, and
2 shall submit a final report on the results of its study not later than December 31, 2010.
3 **SECTION 2.** This resolution is effective upon adoption.