

Housing Association Statutes By State

State	Housing Community Statutes	Definition/s	Applicable to HOAs?
Alabama	<ul style="list-style-type: none"> • Community Development Districts • Uniform Condominium Act • Condominium Ownership Act 	<p><u>Community Development Districts:</u> "Community development district" shall mean a private residential development that: (1) Is a size of at least 250 acres of contiguous land area; (2) has at least 100 residential sites, platted and recorded in the probate office of the county as a residential subdivision; (3) has streets that were or will be built with private funds; (4) has a social club with: (i) an 18-hole golf course of regulation size; (ii) a restaurant or eatery used exclusively for the purpose of preparing and serving meals, with a seating capacity of at least 60 patrons; (iii) social club memberships with at least 100 paid-up members who have paid a membership initiation fee of not less than two hundred fifty dollars per membership; (iv) membership policies whereby membership is not denied or impacted by an applicant's race, color, creed, religion, or national origin; and (v) a full-time management staff for the social activities of the club, including the management of the premises where food and drink are sold.</p>	Yes, Community Development District laws may apply.
Alaska	<ul style="list-style-type: none"> • Common Interest Ownership Act • Horizontal Property Act 	<p><u>Common Interest Ownership Act:</u> A common interest community in which portions of the real estate are designated for separate ownership; the remainder of the real estate is designated for common ownership solely by the owners of those portions; and the undivided interests in the common elements are vested in the unit owners.</p> <p>Except as provided in AS 34.08.030, this chapter applies to each common interest community created within the state after January 1, 1986.</p>	Yes, the Common Interest Ownership Act applies.
Arizona	<ul style="list-style-type: none"> • Planned Community Act • Homeowners' Association Dwelling Actions (statutes addressing disclosures and construction defects) • Condominium Act 	<p><u>Planned Community Act:</u> "Planned community" means a real estate development which includes real estate owned and operated by a nonprofit corporation or unincorporated association of owners that is created for the purpose of managing, maintaining or improving the property and in which the owners of separately owned lots, parcels or units are mandatory members and are required to pay assessments to the association for these purposes. Planned community does not include a timeshare plan or a timeshare association that is governed by chapter 20 of this title.</p>	Yes, the Planned Community Act & Homeowners' Association Dwelling Action laws apply.
Arkansas	<ul style="list-style-type: none"> • Horizontal Property Act 	<p>The Act covers a part of the property intended for residential, commercial, industrial, or any other type of independent use consisting of one (1) or more rooms or spaces occupying one (1) or more floors in a building or buildings of one (1) or more floors designated as an apartment in the master deed and delineated on the plans provided for in § 18-13-105.</p>	No.
California	<ul style="list-style-type: none"> • Davis-Sterling Common Interest Development Act • California Corporations Code 	<p><u>Davis-Sterling Act:</u> "Common interest development" means any of the following:</p> <ol style="list-style-type: none"> (1) A community apartment project; (2) A condominium project; (3) A planned development; or 	Yes, see "planned development" definition below.

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California – Continued		<p>(4) A stock cooperative.</p> <p>"<i>Community apartment project</i>" means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon. A "<i>condominium project</i>" means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to: (1) boundaries described in the recorded final map, parcel map, or condominium plan; (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof; (3) an entire structure containing one or more units; or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.</p> <p>"Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:</p> <p>(1) The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.</p> <p>(2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1.</p> <p>"<i>Stock cooperative</i>" means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the</p>	

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California – Continued		shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.	
Colorado	<ul style="list-style-type: none"> • Common Interest Ownership Act • Condominium Ownership Act 	<u>Common Interest Ownership Act</u> : A common interest community in which portions of the real estate are designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.	Yes, The Common Interest Ownership Act applies.
Connecticut	<ul style="list-style-type: none"> • Common Interest Ownership Act • Condominium Act 	<p><u>Common Interest Ownership Act</u>: "<i>Common interest community</i>" means real property described in a declaration with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for (A) real property taxes on, (B) insurance premiums on, (C) maintenance of, or (D) improvement of, any other real property other than that unit described in the declaration. "Ownership of a unit" includes holding a leasehold interest of forty years or more in a unit, including renewal options. "Ownership of a unit" does not include the interest which a resident holds in a mutual housing association, as defined in subsection (b) of section 8-214f, by virtue of either a state contract for financial assistance or an individual occupancy agreement. An association of property owners funded solely by voluntary payments from those owners is not a common interest community.</p> <p>"<i>Condominium</i>" means a common interest community in which portions of the real property are designated for separate ownership and the remainder of the real property is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.</p>	Yes, the Common Interest Ownership Act applies.
Delaware	<ul style="list-style-type: none"> • Unit Properties Act 	"Unit" means a part of the property designed or intended for any type of independent use which has a direct exit to a public street or way, or to a common element or common elements leading to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes the proportionate undivided interest in the common elements which is assigned thereto in the declaration or any amounts thereof.	No.
District of Columbia	<ul style="list-style-type: none"> • Condominium Act • Horizontal Property Regimes Act 	<u>Condominium Act</u> : Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.	No.

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Florida	<ul style="list-style-type: none"> • Homeowners' Association laws • Condominium Act 	<p><u>Homeowners' Association laws (Florida Statutes, Ch. 720):</u> "Homeowners' association" or "association" means a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.</p> <p>"Community" means the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term "community" includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto.</p>	Yes, Chapter 720.
Georgia	<ul style="list-style-type: none"> • Property Owners' Association Act • Condominium Act 	<p><u>Property Owners' Association Act:</u> 'Property owners' association' or 'association' means a corporation formed for the purpose of exercising the powers of the property owners' association created pursuant to this article.</p> <p>'Lot' means any plot or parcel of land, other than a common area, designated for separate ownership and occupancy shown on a recorded subdivision plat for a development. Where the context indicates or requires, the term lot includes any structure on the lot.</p>	Yes, the Property Owners Act applies.
Hawaii	<ul style="list-style-type: none"> • Planned Community Association Act • Non-profit Corporation Act • Horizontal Property Regimes Act • Condominium Property Regimes Act • Condominium Act • Lease to Fee Conversions and Cooperative Housing Corporations 	<p><u>Planned Community Association Act:</u> "Planned community" means a common interest community, other than a condominium or a cooperative housing corporation or a time share plan, which includes all of the following characteristics:</p> <p>(1) Real property subject to a recorded declaration placing restrictions and obligations on the owners of the real property and providing for rights and responsibilities of a separate entity, the association:</p> <p>(a) Which owns and maintains certain property within the planned community for the common use or benefit, or both, of the owners of units within the planned community;</p> <p>(b) Which is obligated to maintain certain property it does not own within the planned community for the common use or benefit, or both, of the owners of units within the planned community; or</p>	Yes, the Planned Community Association Act & the Non-profit Corporation Act apply.

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Hawaii – Continued		<p>(c) Which is obligated to provide services to any such owners or units;</p> <p>(2) Individual owners own separate units which are part of a planned community at least some of which are improved by or are to be improved by residential dwellings;</p> <p>(3) Owners have automatic and non-severable membership in an association by virtue of ownership of units within the planned community; and</p> <p>(4) Owners, other than a master developer or declarant, are obligated to pay mandatory assessments by virtue of ownership of a unit within the planned community.</p>	
Idaho	<ul style="list-style-type: none"> Condominium Property Act 	<p><u>Condominium Property Act</u>: A "condominium" is an estate consisting of (i) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with (ii) a separate interest in real property, in an interest or interests in real property, or in any combination thereof. § 55-101B</p>	No.
Illinois	<ul style="list-style-type: none"> Condominium Property Act 	<p>Sec. 6. Each unit owner shall be entitled to the percentage of ownership in the common elements appertaining to such unit as computed and set forth in the declaration pursuant to subsection (e) of Section 4 hereof, and ownership of such unit and of the owner's corresponding percentage of ownership in the common elements shall not be separated, except as provided in this Act, nor, except by the recording of an amended declaration and amended plat approved in writing by all unit owners, shall any unit, by deed, plat, judgment of a court or otherwise, be subdivided or in any other manner separated into tracts or parcels different from the whole unit as shown on the plat, except as provided in this Act.</p>	No.
Indiana	<ul style="list-style-type: none"> Condominium Act, IC 32-25-2. 	<p>"Condominium" means real estate:</p> <p>(1) lawfully subjected to this article by the recordation of condominium instruments; and</p> <p>(2) with respect to which the undivided interests in the common areas and facilities are vested in the condominium unit owners.</p>	No.
Iowa	<ul style="list-style-type: none"> Horizontal Property Act 	<p>"Apartment" means one or more rooms occupying all or part of a floor or floors of a building of one or more floors or stories and notwithstanding whether the apartment be intended for use or is used as a residence, office, for the operation of any industry or business or for any other use not prohibited by law.</p>	No.
Kansas	<ul style="list-style-type: none"> Apartment Ownership Act, Ch. 58, Art. 31 Townhouse Ownership Act, Ch. 58, Art.37 	<p><u>Apartment Ownership Act</u>: "Apartment" or "condominium unit" means a part of the property intended for any type of independent use whether residence, office, the operation of any industry or business or other use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area leading to</p>	<p>No, the Apartment Ownership Act does not apply.</p> <p>Yes, the</p>

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Kansas – Continued		<p>such street or highway. To the extent that walls, floors, and ceilings are designated as the boundaries of a condominium unit or apartment by the declaration, all doors and windows therein, and all lath, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the furnished surfaces thereof, shall be deemed a part of such unit, while all other portions of such walls, floors and ceilings shall be deemed a part of the common areas and facilities. If any chutes, flues, ducts, conduits, wires, bearing walls, bearing columns, or any other apparatus lies partially within and partially outside of the designated boundaries of a unit, any portions thereof serving only that unit shall be deemed a part of that unit, while any portions thereof serving more than one unit or any portion of the common elements shall be deemed a part of the common areas and facilities. All space, interior partitions, and other fixtures and improvements within the boundaries of a unit shall be deemed a part of that unit. Any shutters, awnings, window boxes, doorsteps, porches, balconies, patios, and any other apparatus designed to serve a single unit, but located outside the boundaries thereof, shall be deemed a limited common area and facility appertaining to that unit exclusively.</p> <p><u>Townhouse Ownership Act:</u> "Association of townhouse owners" referred to hereinafter as the "association," shall mean and refer to a nonprofit corporation formed pursuant to article 60 of chapter 17 of the Kansas Statutes Annotated, which owns, in fee simple, the common areas and facilities for the common use and enjoyment of the townhouse owners, as set forth in the declaration and articles of incorporation. Every person or entity, who is an owner of fee simple title to a townhouse unit in a townhouse project area subject to this act, shall be a member of the corporation, with voting rights as set forth in the declaration and articles of incorporation. The association shall exercise all of the powers and duties reasonably necessary to provide for the management, maintenance, preservation, architectural control and as insurance trustee for the benefit of each townhouse unit owner in accordance with the bylaws and articles of the association and the declaration.</p>	Townhouse Ownership Act & the Nonprofit Corporation Act apply.
Kentucky	<ul style="list-style-type: none"> Horizontal Property Act, KRS 381.810 	A "condominium" means the ownership of single units in a single unit or a multiple unit structure or structures with common elements.	No.
Louisiana	<ul style="list-style-type: none"> Homeowners' Association Act RS 9:1141 Condominiums Act 	<p><u>Homeowners' Association Act:</u> "Homeowners association" or "association" means a nonprofit corporation, unincorporated association, or other legal entity, which is created pursuant to a declaration, whose members consist primarily of lot owners, and which is created to manage or regulate, or both, the residential planned community.</p> <p>"Lot" means any plot or parcel of land designated for separate ownership shown on a recorded subdivision plat</p>	Yes, the Homeowners' Association Act applies.

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Louisiana – Continued		<p>for a residential development or the boundaries of which are otherwise described in a recorded instrument, other than common area, within the jurisdiction of the residential community as such area is described in the community documents.</p> <p><u>Condominium Act</u>: A “condominium” is the property regime under which portions of immovable property are subject to individual ownership and the remainder thereof is owned in division by such unit owners.</p>	
Maine	<ul style="list-style-type: none"> • Condominium Act - applies to condominiums created on or after 1/1/83 • Unit Ownership Act - applies to condominiums created prior to 1/1/83 	<p><u>Condominium Act</u>: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to this Act. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.</p>	No.
Maryland	<ul style="list-style-type: none"> • Condominium Act • Homeowners' Associations Act 	<p><u>Homeowners' Associations Act</u>: "Homeowners association" means a person having the authority to enforce the provisions of a declaration. This definition includes an incorporated or unincorporated association.</p> <p>"Lot" means any plot or parcel of land on which a dwelling is located or will be located within a development and this definition includes a unit within a condominium or cooperative housing corporation, if the condominium or cooperative housing corporation is part of a development.</p> <p><u>Condominium Act</u>: A “condominium” is property subject to the condominium regime established under this title.</p>	Yes, the Homeowners' Associations Act applies.
Massachusetts	<ul style="list-style-type: none"> • Condominium Act 	<p>“Unit” is a part of the condominium including one or more rooms, with appurtenant areas such as balconies, terraces and storage lockers if any are stipulated in the master deed as being owned by the unit owner, occupying one or more floors or a part or parts thereof, including the enclosed space therein, intended for any type of use, and with a direct exit to a street or way or to a common area leading to a street or way.</p> <p>Each unit owner shall be entitled to an undivided interest in the common areas and facilities in the percentage set forth in the master deed. Such percentage shall be in the approximate relation that the fair value of the unit on the date of the master deed bears to the then aggregate fair value of all the units.</p>	No.
Michigan	<ul style="list-style-type: none"> • Horizontal Property Act (Repealed) • Condominium Act 	<p><u>Condominium Act</u>: A “condominium unit” is that portion of the condominium project designed and intended for separate ownership and use, as described in the master</p>	No.

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Michigan – Continued		<p>deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.</p> <p>A condominium unit has a percentage value assigned to it in the master deed.</p>	
Minnesota	<ul style="list-style-type: none"> • Condominium Act • Uniform Condominium Act (UCA) • Common Interest Ownership Act (Chapter 515B) 	<p><u>Common Interest Ownership Act</u>: "Common interest community" or "CIC" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate which satisfies the definition of a common interest community is a common interest community whether or not it is subject to this chapter. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to section 515B.2-121, subsection (f)(1).</p> <p><u>UCA</u>: A "condominium" is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.</p>	Yes, the Common Interest Ownership Act applies.
Mississippi	<ul style="list-style-type: none"> • Condominium Act 	That form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.	No.
Missouri	<ul style="list-style-type: none"> • Condominiums Act • The Uniform Condominium Act (UCA) 	Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.	No.
Montana	<ul style="list-style-type: none"> • Unit Ownership Act , MCA Title 70, Ch. 23 	"Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter.	No.
Nebraska	<ul style="list-style-type: none"> • Condominium Act (NRS 76-825-894) 	A "condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.	No.

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Nevada	<ul style="list-style-type: none"> • Condominium Act • Uniform Common Interest Ownership Act (UCIOA) – NRS, Ch.116 	<p><u>UCIOA</u>: “Common-interest community” means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. “Ownership of a unit” does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.</p> <p><u>Condominium Act</u>: A “condominium” is an estate in real property consisting of an undivided interest in common in portions of a parcel of real property together with: (1) A separate interest in space in a residential, industrial or commercial building or industrial and commercial building on such real property, such as, but not restricted to, an apartment, office or store; or (2) A separate interest in air space only, without any building or structure, to be used for a mobile home. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either an estate of inheritance or perpetual estate, an estate for life, or an estate for years.</p>	Yes, the UCIOA applies.
New Hampshire	<ul style="list-style-type: none"> • Condominium Act 	A “condominium” is real property and any interests therein, lawfully submitted to this chapter by the recordation of condominium instruments pursuant to the provisions in this chapter. No project shall be deemed a condominium within the meaning of this chapter unless the undivided interests in the common area are vested in the unit owners.	No.
New Jersey	<ul style="list-style-type: none"> • Horizontal Property Rights Act, 46:8A • Condominium Act, 46:8B 	<p><u>Horizontal Property Rights Act</u>: “Apartment” means an enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a building one or more floors or stories, but not the entire building, and notwithstanding whether the apartment be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.</p> <p><u>Condominium Act</u>: "Condominium" means the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.</p>	No.
New Mexico	<ul style="list-style-type: none"> • Building Ownership Act NMSA 47.7 • Condominiums Act NMSA 47.7A-7D • Cooperative Associations Act NMSA Ch.53-4 	<p><u>Building Unit Ownership Act</u>: "Unit" means a part of the property intended for residential, professional, commercial, industrial or any type of independent use, including one or more rooms or enclosed spaces located on one or more floors in a building, and with a direct exit to a public street or highway or to a common area leading to a public street or highway; and</p> <p>"Unit owner" means the person or persons owning a unit in fee simple absolute and undivided interest in the fee simple</p>	Yes, the Cooperative Associations Act may apply.

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New Mexico – Continued		<p>or leasehold estate of the common areas and facilities in the percentage established by the declaration.</p> <p><u>Condominium Act:</u> A “condominium” is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.</p> <p><u>Cooperative Associations Act:</u> Any five or more natural persons or two or more associations may incorporate the cooperative association’s chapter as a type of non-profit corporation, subject to the requirements of the Act.</p>	
New York	<ul style="list-style-type: none"> • Condominium Act 	<p>"Unit" means a part of the property intended for residential, professional, commercial, industrial or any type of independent use, including one or more rooms or enclosed spaces located on one or more floors in a building, and with a direct exit to a public street or highway or to a common area leading to a public street or highway.</p> <p>Each unit shall have appurtenant thereto a common interest as expressed in the declaration. Such interest shall be (i) in the approximate proportion that the fair value of the unit at the date of the declaration bears to the then aggregate fair value of all the units or (ii) in the approximate proportion that the floor area of the unit at the date of the declaration bears to the then aggregate floor area of all the units, but such proportion shall reflect the substantially exclusive advantages enjoyed by one or more but not all units in a part or parts of the common elements or (iii) the interest of each of the units shall be in equal percentages, one for each unit as of the date of filing the declaration, or in equal percentages within separate classifications of units as of the date of filing the declaration, or (iv) upon floor space, subject to the location of such space and the additional factors of relative value to other space in the condominium, the uniqueness of the unit, the availability of common elements for exclusive or shared use, and the overall dimensions of the particular unit.</p>	No.
North Carolina	<ul style="list-style-type: none"> • Condominium Act (applies to condominiums created after 10/1/86)GS Ch.47-C • Planned Community Act, GS Ch. 47-F Unit Ownership Act (applies to condominiums created before 10/1/86) GS Ch. 47A 	<p><u>Planned Community Act:</u> "Unit" means a part of the property intended for residential, professional, commercial, industrial or any type of independent use, including one or more rooms or enclosed spaces located on one or more floors in a building, and with a direct exit to a public street or highway or to a common area leading to a public street or highway.</p> <p>Each unit shall have appurtenant thereto a common interest as expressed in the declaration. Such interest shall be (i) in the approximate proportion that the fair value of the unit at the date of the declaration bears to the then aggregate fair value of all the units or (ii) in the approximate proportion that</p>	Yes, the Planned Community Act applies.

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North Carolina – Continued		<p>the floor area of the unit at the date of the declaration bears to the then aggregate floor area of all the units, but such proportion shall reflect the substantially exclusive advantages enjoyed by one or more but not all units in a part or parts of the common elements or (iii) the interest of each of the units shall be in equal percentages, one for each unit as of the date of filing the declaration, or in equal percentages within separate classifications of units as of the date of filing the declaration, or (iv) upon floor space, subject to the location of such space and the additional factors of relative value to other space in the condominium, the uniqueness of the unit, the availability of common elements for exclusive or shared use, and the overall dimensions of the particular unit.</p> <p><u>Condominium Act</u>: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.</p>	
North Dakota	<ul style="list-style-type: none"> Condominium Ownership of Real Property Act, NDCC 47-04 	A “condominium” is an estate in real property consisting of an undivided interest or interests in common in a portion of a parcel of real property together with a separate interest or interests in space in a structure, on such real property.	No.
Ohio	<ul style="list-style-type: none"> Condominium Property Act 	A “condominium” is a form of real property ownership, in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to this chapter and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.	No.
Oklahoma	<ul style="list-style-type: none"> Unit Ownership Estate Act Sec.60-51. 	"Unit ownership estate" means the ownership of single units in a multi-unit building together with an undivided interest in the common elements.	No.
Oregon	<ul style="list-style-type: none"> Planned Community Development Act, ORS 94.550-94.785 Condominium Act 	<p><u>Planned Community Development Act</u>: “Planned community” means any subdivision under Oregon Revised Statutes (ORS) 92.010 to 92.190 that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which the owners collectively are responsible for the maintenance, operation, insurance or other expenses relating to any property within the planned community, including common property, if any, or for the exterior maintenance of any property that is individually owned.</p> <p>“Planned community” does not mean:</p> <ol style="list-style-type: none"> (1) A condominium under ORS chapter 100; (2) A planned community that is exclusively commercial or industrial; or (3) A timeshare plan under ORS 94.803 to 94.945. 	Yes, the Planned Community Development Act applies.

State	Housing Community Statutes	Definition/s	Applicable to HOAs?
Pennsylvania	<ul style="list-style-type: none"> Uniform Condominium Act (UCA) Uniform Planned Community Act, Title 68, ch.51 	<p><u>Uniform Planned Community Act:</u> A "planned community" is real estate with respect to which a person, by virtue of ownership of an interest in any portion of the real estate, is or may become obligated by covenant, easement or agreement imposed on the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the person. The term excludes a cooperative and a condominium, but a condominium or cooperative may be part of a planned community. For purposes of this definition, "ownership" includes holding a leasehold interest of more than 20 years, including renewal options, in real estate. The term includes nonresidential campground communities.</p> <p><u>Condominium Act:</u> A "condominium" is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.</p>	Yes, the Uniform Planned Community Act applies.
Rhode Island	<ul style="list-style-type: none"> Condominium Act (applies to condominiums created after 7/1/82) Condominium Ownership Act (applies to condominiums created before 7/1/82) 	<p><u>Condominium Act:</u> A "condominium" is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Provided that each unit owner has a vested, undivided interest in the common elements greater than 0.0 percent, no minimum percentage interest in the common elements is otherwise required by this chapter.</p> <p><u>Condominium Ownership Act:</u> A "condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.</p>	No.
South Carolina	<ul style="list-style-type: none"> Horizontal Property Act 	<p>An "apartment " means a part of the property intended for any type of independent use (whether it be for residential, recreational, storage, or business) including one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building or if not in a building in a separate delineated place whether open or enclosed and whether for the storage of an automobile, moorage of a boat, or other lawful use, and with a direct exit to a public street or highway, or to a common area leading to such a street or highway.</p>	No.
South Dakota	<ul style="list-style-type: none"> Condominium Act 	<p>A "condominium" means an estate in real property consisting of an undivided interest in portions of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building or industrial</p>	No.

State	Housing Community Statutes	Definition/s	Applicable to HOAs?
South Dakota – Continued		and commercial building on such real property, such as, but not restricted to, an apartment, office or store. A condominium may include in addition a separate interest in other portions of real property. Such estate may, with respect to the duration of its enjoyment, be either an estate of inheritance or perpetual estate, an estate for life, or an estate for years.	
Tennessee	<ul style="list-style-type: none"> Horizontal Property Act 	A "condominium" is the ownership of single units in a multiple unit structure or structures with common elements.	No.
Texas	<ul style="list-style-type: none"> Condominium Act (applies to condominiums created before 1/1/94) Uniform Condominium Act (applies to condominiums created after 1/1/94) 	<p><u>Condominium Act</u>: "Condominium" means a form of real property ownership that combines separate ownership of individual apartments or units with common ownership of other elements.</p> <p><u>Uniform Condominium Act</u>: "Condominium" means a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.</p>	No.
Vermont	<ul style="list-style-type: none"> Condominium Act Uniform Common Interest Ownership Act (UCIOA) 	<u>UCIOA</u> : "Common interest community" means real estate described in a declaration with respect to which any person, by virtue of the person's ownership of a unit, is obligated to pay real estate taxes on; insurance premiums on; maintenance of; or improvement of any other real estate other than that unit described in the declaration. Ownership of a unit does not include holding a leasehold interest of less than five years in a unit, including renewal options.	Yes, the UCIOA applies.
Virginia	<ul style="list-style-type: none"> Property Owners Association Act Horizontal Property Act Condominium Act Cooperative Act, Common Interest 	<p><u>Property Owners' Association Act</u>: "Property owners' association" or "association" means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration.</p> <p>The ownership of a single unit in a multiunit structure with common elements in a condominium project.</p>	Yes, the Property Owners' Association Act applies.
Washington	<ul style="list-style-type: none"> RCW 64.38 (Homeowners' Associations Laws) Horizontal Property Regimes Act Condominium Act 	<u>Homeowners' Associations, RCW 64.38</u> : "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned	Yes, RCW 64.38, and the business act under which the association was formed apply.

State	Housing Community Statutes	Definition/s	Applicable to HOAs?
Washington – Continued		<p>by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW (condominiums).</p> <p>Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.</p>	
West Virginia	<ul style="list-style-type: none"> • Condominium and Unit Property Act • Uniform Common Interest Ownership Act (UCIOA) 	<p><u>UCIOA</u>: "Common interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration: <i>Provided</i>, That any resort owner which, prior to the effective date of this article, began the development of a resort and imposed fees or assessments upon owners of real estate in the resort for maintenance and care of the roads, streets, alleys, sidewalks, parks, common areas and common facilities in and around the resort, for fire and police protection and for such other services as may be made available to owners of real estate, may also impose the same fees and assessments to be used for the same or similar purposes upon persons purchasing real estate in the resort after the effective date of this article without creating a common interest community.</p> <p>"Ownership of a unit" does not include holding a leasehold interest of less than twenty years in a unit, including renewal options.</p>	Yes, UCIOA applies.
Wisconsin	<ul style="list-style-type: none"> • Condominium Ownership Act 	<p>Every unit owner owns an undivided percentage interest in the common elements equal to that set forth in the declaration. Except as specifically provided in this chapter, all common elements shall remain undivided. Except as provided in this chapter, no unit owner, nor any other person, may bring a suit for partition of the common elements and any covenant or provision in any declaration, bylaws or other instrument to the contrary is void.</p>	No.
Wyoming	<ul style="list-style-type: none"> • Condominium Act 	<p>A "condominium unit" is an individual air space unit together with the interest in the common elements appurtenant to such unit.</p>	No.

Summary

States with housing association statutes directly applicable to HOAs: 21 (AK, AZ, CA, CO, CT, FL, GA, HI, LA, MD, MN, NV, NM, NC, OR, PA, UT, VT, VA, WA, WV).

Of the 21 States with housing association statutes, the number using the Uniform Common Interest Ownership Act: 7 (AK, CO, CT, MN, NV, VT, and WV).

Miscellaneous statutes:

Alabama: Community Development District Laws

Kansas: Townhouse Ownership Act

Note: Many states that have no statutes expressly addressing homeowners' associations or common interest ownership communities, generally apply the state's business entity statutes under which the organization was formed, such as a non-profit corporation act.

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Prepared by Senate Committee Services staff.