

HOUSE BILL NO. HB0160

Subdivisions-homeowner's associations.

Sponsored by: Representative(s) Childers, Buchanan,
Hammons and Lubnau and Senator(s) Coe,
Peterson and Vasey

A BILL

for

1 AN ACT relating to subdivisions; defining water supply
2 systems; requiring homeowners associations in subdivision
3 plans as specified; requiring arbitration or mediation for
4 disputes between members of homeowner associations; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 18-5-302(a)(ix), 18-5-306(a) by
10 creating a new paragraph (xii) and 18-5-312 are amended to
11 read:

12

13 **18-5-302. Definitions.**

14

15 (a) As used in this article:

16

1 (ix) "Water supply system" includes development
2 of the source and all structures for conveyance of raw
3 water to the treatment plant or delivery systems; all water
4 treatment plants including disinfection facilities; water
5 supply systems used for irrigation and stock water; and all
6 finished water delivery systems including pipelines,
7 pumping stations and finished water storage facilities.
8 ~~Separate water supply systems used solely for irrigation or~~
9 ~~stock water are not included.~~

10

11 **18-5-306. Minimum requirements for subdivision**
12 **permits.**

13

14 (a) The board shall require the following information
15 to be submitted with each application for a subdivision
16 permit, provided the board may by rule exempt from any of
17 the following requirements of this subsection or subsection
18 (c) of this section the subdivision of one (1) or more
19 units of land into not more than a total of five (5) units
20 of land:

21

22 (xii) Evidence satisfactory to the board that
23 the owners of all parcels of land created by the
24 subdivision have entered into a homeowner's association

1 agreement, binding on subsequent owners of the land within
2 the subdivision, that addresses at least the following
3 topics:

4
5 (A) Maintenance and responsibility for
6 common areas, roads and water supply systems;

7
8 (B) Continued management of the homeowner's
9 association;

10
11 (C) Provisions requiring dispute resolution
12 between members of the homeowner's association through
13 arbitration as provided in W.S. 1-36-101 through 1-36-119
14 or mediation as provided in W.S. 1-43-101 through 1-43-104;

15
16 (D) Provisions designating a person or
17 entity initially responsible for representing the
18 landowners in disputes against the association where
19 another party is asserting legal rights or responsibilities
20 against the association which shall be filed annually with
21 the county clerk; and

22
23 (E) Nuisance abatement and covenants.
24

1 **18-5-312. Enforcement.**

2

3 (a) Except as provided in subsection (b) of this
4 section, the provisions of this article are enforceable by
5 all appropriate legal remedies including but not limited to
6 injunctive relief or a writ of mandamus. Upon failure or
7 refusal of any county attorney to act upon a violation of
8 the provisions of this article, the attorney general at the
9 request of the board shall initiate civil or criminal
10 proceedings to enforce the provisions of this article.

11

12 (b) Before civil proceedings may be brought pursuant
13 to subsection (a) of this section, all disputes arising
14 under homeowner's association agreements required under
15 W.S. 18-5-306(a)(xii) shall be subject to mediation
16 proceedings as provided in this section and subject to the
17 provisions of W.S. 1-43-101 through 1-43-104 or arbitration
18 pursuant to W.S. 1-36-101 through 1-36-119. Mediation
19 shall be through a process established by the board of
20 county commissioners in the county in which the subdivision
21 is located. Mediators shall be appointed by the board of
22 county commissioners and shall be retired judges, members
23 of the state bar or individuals who in the judgment of the
24 board of county commissioners have the qualifications

1 necessary by education or experience to mediate a
2 particular dispute. The board of county commissioners
3 shall set a time period for the mediation and for a final
4 report by the mediator establishing the result of the
5 mediation or authorizing the parties to proceed with a
6 civil action. Expenses and fees for the mediators shall be
7 borne by the parties to the mediation.

8

9 **Section 2.** This act is effective July 1, 2007.

10

11

(END)