



HB431

2024

26 aggregate unless otherwise provided in the governing documents.  
27 A fine of less than \$500 ~~\$1,000~~ may not become a lien against a  
28 parcel. In any action to recover a fine, the prevailing party is  
29 entitled to reasonable attorney fees and costs from the  
30 nonprevailing party as determined by the court.

31 (a) An association may suspend, for a reasonable period of  
32 time, the right of a member, or a member's tenant, guest, or  
33 invitee, to use common areas and facilities for the failure of  
34 the owner of the parcel or its occupant, licensee, or invitee to  
35 comply with any provision of the declaration, the association  
36 bylaws, or reasonable rules of the association. This paragraph  
37 does not apply to that portion of common areas used to provide  
38 access or utility services to the parcel. A suspension may not  
39 prohibit an owner or tenant of a parcel from having vehicular  
40 and pedestrian ingress to and egress from the parcel, including,  
41 but not limited to, the right to park.

42 (b) A fine or suspension levied by the board of  
43 administration may not be imposed unless the board first  
44 provides at least 14 days' notice to the parcel owner at his or  
45 her designated mailing or e-mail address in the association's  
46 official records and, if applicable, any occupant, licensee, or  
47 invitee of the parcel owner, sought to be fined or suspended and  
48 a hearing before a committee of at least three members appointed  
49 by the board who are not officers, directors, or employees of  
50 the association, or the spouse, parent, child, brother, or

51 | sister of an officer, director, or employee. The notice must  
52 | include a description of the alleged violation; the specific  
53 | action required to cure such violation, if applicable; and the  
54 | date and location of the hearing. A parcel owner has the right  
55 | to attend a hearing by telephone or other electronic means.

56 |       (c) If the committee, by majority vote, does not approve a  
57 | proposed fine or suspension, the proposed fine or suspension may  
58 | not be imposed. The role of the committee is limited to  
59 | determining whether to confirm or reject the fine or suspension  
60 | levied by the board.

61 |       (d) After the hearing, the committee shall provide written  
62 | notice to the parcel owner at his or her designated mailing or  
63 | e-mail address in the association's official records and, if  
64 | applicable, any occupant, licensee, or invitee of the parcel  
65 | owner, of the committee's findings related to the violation,  
66 | including any applicable fines or suspensions that the committee  
67 | approved or rejected, and how the parcel owner or any occupant,  
68 | licensee, or invitee of the parcel owner may cure the violation,  
69 | if applicable.

70 |       (e) If the proposed fine or suspension levied by the board  
71 | is approved by the committee by a majority vote, the fine  
72 | payment is due 5 days after notice of the approved fine required  
73 | under paragraph (d) is provided to the parcel owner and, if  
74 | applicable, to any occupant, licensee, or invitee of the parcel  
75 | owner. The association must provide written notice of such fine

HB431

2024

76 | or suspension by mail or hand delivery to the parcel owner and,  
77 | if applicable, to any occupant, licensee, or invitee of the  
78 | parcel owner.

79 |       Section 2. This act shall take effect July 1, 2024.