

SB 98 -- Redline

Introduced to Enrolled -- Relating to nonprofit homeowners' associations; amending Section 35-20-5, Code of Alabama 1975, to remove the requirement that certain duplicative filings shall be submitted to the Secretary of State.

Deletions ~~struck~~ · Insertions underlined

SB98 ~~INTRODUCED~~ENROLLED ~~U8R8XG-1~~U8R8XG-2 By Senator Givhan RFD:

21-Mar-23 2023 Regular Session Page 0 ~~U8R8XG-1~~SB98 ~~03/21/2023~~Enrolled ~~SLU~~Enrolled, ~~(L)~~SLUAn ~~2023-519~~Act, ~~23~~ 4Relating SYNOPSISto nonprofit homeowners' associations;

~~Under existing law, in order to establish its existence as a nonprofit organization under the laws of the state, a homeowners' association is required to file articles of incorporation with the Secretary of State under one code section, and file a certificate of formation with the Secretary of State consisting of information substantially the same as articles of incorporation, under a more recent code section. This bill would remove the requirement that a homeowners' association must file articles of incorporation to be organized as a nonprofit corporation.~~

~~A BILL TO BE ENTITLED AN ACT Relating to nonprofit homeowners' associations;~~

Section 35-20-5, Code of Alabama 1975, is ~~Page 1 SB98 INTRODUCED~~ amended to read as follows:

The original covenants, conditions, or Page 1 SB98 Enrolled restrictions adopted by the association.

Any documents filed with the Secretary of State shall be filed in accordance with Division 4 of Article 3 of Chapter 4, provided such documents filed with the Secretary of State pursuant to this chapter ~~Page 2 SB98 INTRODUCED~~ shall not be deemed to provide notice pursuant to Chapter 4.

(5) Power to grant easements, leases, licenses, and Page 2 SB98 Enrolled concessions through or over the common areas, if any.

(d) In addition to the requirements set forth in ~~Page 3 SB98 INTRODUCED~~ subsection (c), the organizational documents of a homeowners' association may provide for the following:

Page ~~43~~ SB98 Enrolled ~~82~~ _____ President and Presiding Officer
of the Senate ~~86~~ 88 _____ Speaker of the House of

Representatives ~~91~~ SB98 Senate ~~06-Apr-23~~ I hereby certify that the within Act originated in and passed the Senate.

97 Patrick Harris, Secretary.

House of Representatives Passed:

02-May-23 By:

Senator Givhan Page 4