

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;  
5 requiring notice of ownership of appurtenant mineral  
6 estates in subdivisions; and providing for an effective  
7 date.

8

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

10

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

14

15 **18-5-302. Definitions.**

16

1 (a) As used in this article:

2

3 (ix) "Water supply system" includes development  
4 of the source and all structures for conveyance of raw  
5 water to the treatment plant or delivery systems; all water  
6 treatment plants including disinfection facilities; water  
7 supply systems used for irrigation and stock water; and all  
8 finished water delivery systems including pipelines,  
9 pumping stations and finished water storage facilities.

10 ~~Separate water supply systems used solely for irrigation or~~  
11 ~~stock water are not included.~~

12

13 **18-5-306. Minimum requirements for subdivision**  
14 **permits.**

15

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

23

1           (xii) Evidence satisfactory to the board that  
2 the owners of all parcels of land created by the  
3 subdivision have entered into a homeowner's association  
4 agreement, binding on subsequent owners of the land within  
5 the subdivision, that addresses at least the following  
6 topics:

7  
8           (A) Maintenance and responsibility for  
9 common areas, roads and water supply systems and  
10 assessments against all parcels of land in the subdivision  
11 to defray the costs thereof;

12  
13           (B) Continued management of the homeowner's  
14 association;

15  
16           (C) Provisions requiring dispute resolution  
17 between members of the homeowner's association through  
18 arbitration as provided in W.S. 1-36-101 through 1-36-119  
19 or mediation as provided in W.S. 1-43-101 through 1-43-104;

20  
21           (D) Provisions designating a person or  
22 entity initially responsible for representing the  
23 landowners in disputes against the association where  
24 another party is asserting legal rights or responsibilities

1 against the association which shall be filed with the  
2 county clerk initially and upon any change of the person  
3 designated; and

4  
5 (E) Nuisance abatement and covenants.

6  
7 (xiii) A statement which identifies all owners,  
8 as recorded in the records of the county in which the  
9 property is located, of the surface and subsurface mineral  
10 estate of the land to be subdivided. The applicant shall  
11 provide evidence that all owners of the surface and  
12 subsurface mineral estate of the land to be subdivided have  
13 been notified by certified mail of the application for a  
14 subdivision permit. If the permit is approved the board  
15 shall require the applicant to give notice on the plat that  
16 the surface estate of the land to be subdivided is subject  
17 to full and effective development of the mineral estate.

18  
19 **18-5-312. Enforcement.**

20  
21 (a) Except as provided in subsection (b) of this  
22 section, the provisions of this article are enforceable by  
23 all appropriate legal remedies including but not limited to  
24 injunctive relief or a writ of mandamus. Upon failure or

1 refusal of any county attorney to act upon a violation of  
2 the provisions of this article, the attorney general at the  
3 request of the board shall initiate civil or criminal  
4 proceedings to enforce the provisions of this article.

5  
6 (b) Before civil proceedings may be brought pursuant  
7 to subsection (a) of this section, all disputes arising  
8 under homeowner's association agreements required under  
9 W.S. 18-5-306(a)(xii) shall be subject to mediation  
10 proceedings as provided in this section and subject to the  
11 provisions of W.S. 1-43-101 through 1-43-104 or arbitration  
12 pursuant to W.S. 1-36-101 through 1-36-119. The board of  
13 county commissioners may make available a list of qualified  
14 mediators, from which the parties to the dispute shall  
15 choose a mediator. Expenses and fees for the mediators  
16 shall be borne by the parties to the mediation.

17

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

19

20

(END)