

## HOUSE BILL NO. HB0115

Subdivisions-homeowners' associations.

Sponsored by: Representative(s) Childers, Brown and Martin  
and Senator(s) Coe, Ross and Vasey

A BILL

for

1 AN ACT relating to subdivisions; defining water supply  
2 systems; requiring homeowners' association agreements to be  
3 included in subdivision applications as specified;  
4 providing for arbitration or mediation for disputes between  
5 members of homeowner associations; requiring notice of  
6 potential development of appurtenant mineral estates in  
7 subdivisions; and providing for an effective 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, sewer systems and water supply systems  
10 and assessments against all parcels of land in the  
11 subdivision 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) If the permit is approved the board shall  
8 require the applicant to give notice on the plat that the  
9 surface estate of the land to be subdivided is subject to  
10 full and effective development of the mineral estate unless  
11 the mineral estate is conveyed with the surface estate.

12  
13 **18-5-312. Enforcement.**

14  
15 (a) Except as provided in subsection (b) of this  
16 section, the provisions of this article are enforceable by  
17 all appropriate legal remedies including but not limited to  
18 injunctive relief or a writ of mandamus. Upon failure or  
19 refusal of any county attorney to act upon a violation of  
20 the provisions of this article, the attorney general at the  
21 request of the board shall initiate civil or criminal  
22 proceedings to enforce the provisions of this article.

23

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

15

16       **Section 2.** This act is effective July 1, 2008.

17

18

(END)