

HB1316_L.010

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1316 be amended as follows:

1 Amend printed bill, page 5, line 6, strike "(5)" and substitute "(7)".

2 Page 5, after line 19 insert:

3 "(c) (I) A PRIVATE MEMBERSHIP CLUB SHALL NOT COLLECT DUES
4 OR FEES FROM A PROPERTY OWNER FOR DUES OR FEES THAT ARE WITHHELD
5 BY THE PROPERTY OWNER DURING THE PERIOD IN WHICH THE PRIVATE
6 MEMBERSHIP CLUB IS NOT IN COMPLIANCE WITH THIS SECTION. DUES OR
7 FEES THAT ARE NOT PAID DURING A PERIOD IN WHICH THE PRIVATE
8 MEMBERSHIP CLUB IS NOT IN COMPLIANCE WITH THIS SECTION ARE
9 FORFEITED BY THE PRIVATE MEMBERSHIP CLUB.

10 (II) IF A PROPERTY OWNER HAS NOT PAID DUES OR FEES TO A
11 PRIVATE MEMBERSHIP CLUB DURING A PERIOD IN WHICH THE PRIVATE
12 MEMBERSHIP CLUB IS NOT IN COMPLIANCE WITH THIS SECTION AND THE
13 PROPERTY OWNER SELLS THEIR PROPERTY, THE BUYER OF THE PROPERTY
14 IS NOT RESPONSIBLE FOR THE UNPAID DUES OR FEES, AND THE PRIVATE
15 MEMBERSHIP CLUB SHALL NOT COLLECT ANY UNPAID DUES OR FEES FROM
16 THE BUYER AS A CONDITION OF CLOSING ON THE PROPERTY OR BY ANY
17 OTHER MEANS AFTER THE BUYER PURCHASES THE PROPERTY.

18 (d) A LIEN PLACED ON A PROPERTY BY A PRIVATE MEMBERSHIP
19 CLUB FOR THE NONPAYMENT OF DUES BY A PROPERTY OWNER DOES NOT
20 HAVE SUPER-PRIORITY STATUS OVER OTHER LIENS, AND THE LIEN'S
21 POSITION IS DETERMINED BY THE ORDER IN WHICH THE LIEN IS RECORDED.

22 (8) IF A PROVISION OF A COVENANT OR DECLARATION IS HELD TO
23 BE VOID AND UNENFORCEABLE IN ACCORDANCE WITH THIS SECTION, THE
24 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
25 THE COVENANT OR DECLARATION THAT CAN BE GIVEN EFFECT WITHOUT
26 THE INVALID PROVISION OR APPLICATION, AND, TO THIS END, THE
27 PROVISIONS OF THE COVENANT OR DECLARATION ARE DECLARED TO BE
28 SEVERABLE."

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