

1 S.163

2 Introduced by Senator Westman

3 Referred to Committee on

4 Date:

5 Subject: Uniform Common Interest Ownership Act; powers of unit owners'  
6 association; owners of time-shares

7 Statement of purpose of bill as introduced: This bill proposes to amend the  
8 Vermont Common Interest Ownership Act related to owners of time-shares.

9 An act relating to changing provisions within the Vermont Common  
10 Interest Ownership Act related to owners of time-shares

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 27A V.S.A. § 3-102 is amended to read:

13 § 3-102. POWERS OF UNIT OWNERS' ASSOCIATIONS

14 (a) Except as otherwise provided in subsection (b) of this section and other  
15 provisions of this title, the association:

16 \* \* \*

17 (18) May suspend any right or privilege of a unit owner that fails to pay  
18 an assessment, but may not:

19 (A) except as otherwise provided in subsection 3-116(q) of this title,  
20 deny a unit owner or other occupant access to the owner's unit;

1 (B) suspend a unit owner's right to vote;

2 (C) prevent a unit owner from seeking election as a director or officer  
3 of the association; or

4 (D) withhold services provided to a unit or a unit owner by the  
5 association if the effect of withholding the service would be to endanger the  
6 health, safety, or property of any person.

7 \* \* \*

8 Sec. 2. 27A V.S.A. § 3-116 is amended to read:

9 § 3-116. LIEN FOR SUMS DUE ASSOCIATION; ENFORCEMENT

10 \* \* \*

11 (j) The association's lien may be foreclosed pursuant to 12 V.S.A. ~~§ 4531a~~  
12 § 4941, 4945, or 4961 and subsection (o) of this section. The association shall  
13 give the notice required by statute, or if there is no such requirement,  
14 reasonable notice of its action to all lienholders of the unit whose interest  
15 would be affected.

16 \* \* \*

17 (q) Unless other procedures are provided in the declaration, bylaws, or  
18 rules, an association of time-share unit owners may not deny an owner of a  
19 time-share access to the owner's time-share for failure to pay an assessment  
20 unless:

1           (1) the time-share owner is delinquent in payment of that owner's  
2           common expense assessments based on the periodic budget last adopted by the  
3           association pursuant to section 3-115(a) of this title; and

4           (2) the association provides written notice of the delinquency to the  
5           time-share owner no later than 30 days after the date the assessment was due,  
6           but in no case later than 30 days before the date the time-share owner is  
7           entitled to occupy that owner's time-share.

8           (3) The following provisions apply to the notice required in subdivision  
9           (2) of this subsection:

10           (A) The notice shall clearly state the total amount of any delinquency  
11           which then exists, including any accrued interest and late charges permitted to  
12           be imposed under the terms of the declaration or bylaws and including a per  
13           diem amount, if any, to account for further accrual of interest and late charges  
14           between the stated effective date of the notice and the first date of use;

15           (B) The notice shall state clearly that the time-share owner will not  
16           be permitted to use his or her time-share period, that the time-share owner will  
17           not be permitted to make a reservation in the time-share plan's reservation  
18           system, or that any confirmed reservation may be canceled, as applicable, until  
19           the total amount of such delinquency is satisfied in full or until the time-share  
20           owner produces satisfactory evidence that the delinquency does not exist.

1           (C) The notice shall be mailed to the time-share owner at his or her  
2           last known address as recorded in the books and records of the time-share plan,  
3           and the notice shall be effective to bar the use of the time-share owner and  
4           those claiming use rights under the time-share owner, including his or her  
5           guests, lessees, and the third parties receiving use rights in the time-share in  
6           question through a nonaffiliated exchange program, until such time as the unit  
7           owner is no longer delinquent.

8           (D) If the association wishes to deny use of the owner's time-share to  
9           any third party receiving use rights through an affiliated exchange program, the  
10           association shall at the same time provide similar written notice of the owner's  
11           delinquency as required in subdivision (2) of this subsection to any affiliated  
12           exchange program. Receipt of the written notice by the affiliated exchange  
13           program is effective to bar the use of all third parties claiming through the  
14           affiliated exchange program.

15       Sec. 3. 12 V.S.A. § 4931(2) is amended to read:

16           (2) "Dwelling house" means a residential structure or mobile home  
17           which contains one to four family housing units, or individual units of  
18           condominiums or cooperatives, other than a time-share interest in a unit, each  
19           of which is used or intended to be used as a residence. For the purposes of this  
20           subdivision, "time-share" means a time-share estate as defined by 32 V.S.A.  
21           § 3619(a).

1 Sec. 4. 14 V.S.A. § 1902 is amended to read:

2 § 1902. LETTERS OF ADMINISTRATION AND LETTERS

3 TESTAMENTARY, SMALL ESTATES, NOTICE

4 (a) Upon receiving and filing such petition, the judge of probate may make  
5 such investigation of the circumstances of the case and the facts set forth in the  
6 petition, as he or she deems proper and necessary.

7 (b) The court may grant administration of the estate to the petitioner or  
8 some other suitable person forthwith without further notice, and may issue  
9 letters of administration to the administrator or letters testamentary to the  
10 executor without requiring further bonds, if from the petition and the  
11 investigation it appears to the satisfaction of the court that:

12 (1)(A) the deceased left a surviving spouse or children of any age, or  
13 both; or

14 (B) the deceased left a surviving parent or parents but no spouse or  
15 child;

16 (2) the deceased died seized of no real estate other than a time-share  
17 estate as defined by 32 V.S.A. § 3619(a); and

18 (3) the personal estate of the deceased, appraised at its true cash value as  
19 of the date of death, amounts to not more than the sum of \$10,000.00.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on July 1, 2013.