HOUSE JOINT MEMORIAL 44

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mimi Stewart

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO DIRECT THE APPROPRIATE INTERIM COMMITTEE TO STUDY HOMEOWNERS' ASSOCIATIONS IN NEW MEXICO.

WHEREAS, the primary purpose of a homeowners' association is to manage a neighborhood's common areas, such as roads, parks and pools; and

WHEREAS, some homeowners' associations have assumed much broader powers; and

WHEREAS, homeowners' associations are distinguished from other community and neighborhood associations by their ability to assess dues, impose regulations on the use of property and levy fines on homeowners who violate regulations; and

WHEREAS, homeowners' associations have become more prevalent in New Mexico; and

.174715.1

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

WHEREAS, New Mexicans are entitled to fair covenants, conditions and restrictions when they purchase property governed by a homeowners' association; and

WHEREAS, other states have enacted statutory protections for property owners who are subject to homeowners' associations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the New Mexico legislative council be requested to direct the courts, corrections and justice committee or other appropriate interim committee to study homeowners' associations in New Mexico, including: reviewing homeowner complaints, lawsuits or other controversies relating to homeowners' associations in New Mexico; researching legislation or other responses to homeowners' association problems in other states; and recommending appropriate legislation; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the co-chairs of the New Mexico legislative council.

- 2 -