STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE HOME INSPECTORS DIVISION ADMINISTRATIVE CODE

CHAPTER 820-5-1 PROCEDURES FOR IMPLEMENTING THE ALABAMA HOMEOWNERS' ASSOCIATION ACT

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820-5-1-.01 Applicability.

These rules shall apply to homeowners' associations recorded in the office of the judge of probate on or after January 1, 2016, and any homeowners' association formed prior to that time if the association, by a majority of its members, elects to be governed by the Alabama Homeowners' Association Act, codified at Code of Ala. 1975, sections 35-20-1 et seq. (hereinafter "the Act").
Author: Jean Brown, R. Joel Laird, Jr.
Statutory Authority: Code of Ala 1975, §35-20-5(b)(4).
History: New Rule: Filed January 10, 2001; effective February 14, 2000. **Repealed:** Filed June 5, 2009; effective July 10, 2009.
New Rule: Filed March 4, 2016; effective April 18, 2016.

Ed. Note: Formerly Rule 820-X-9-.01, as per certification filed January 10, 2001; effective February 14, 2000.

820-5-1-.02 Organization.

On or after January 1, 2016, a homeowners' association created pursuant to a declaration as that term is defined in Code of Ala. 1975, Section 35-20-2(5), shall be organized as a nonprofit corporation pursuant to Chapter 3 of Title 10A, and shall be governed in all respects as a nonprofit corporation.
Author: Jean Brown, R. Joel Laird, Jr.
Statutory Authority: Code of Ala 1975, §35-20-5(b)(4).
History: New Rule: Filed January 10, 2001; effective February 14, 2000. **Repealed:** Filed June 5, 2009; effective July 10, 2009.
New Rule: Filed March 4, 2016; effective April 18, 2016.

Ed. Note: Formerly Rule 820-X-9-.03, as per certification filed January 10, 2001; effective February 14, 2000.

820-5-1-.03 Filing Requirements.

In addition or supplemental to any other filing required in Chapter 3 of Title 10A, all homeowners' associations governed by these rules shall file the documents required by Code of Ala. 1975, Section 35-20-5(b)(2).
Author: Jean Brown, R. Joel Laird, Jr.
Statutory Authority: Code of Ala 1975, §35-20-5(b)(4).
History: New Rule: Filed March 4, 2016; effective April 18, 2016.

820-5-1-.04 Amended Or Restated Formation Documents.

If, pursuant to Code of Ala. 1975, Section 35-20-3, a homeowners' association formed prior to January 1, 2016, elects by a majority of its members to be governed by the Act, the association shall file amended and restated formation documents.
Author: Jean Brown, R. Joel Laird, Jr.
Statutory Authority: Code of Ala 1975, §35-20-5(b)(4).
History: New Rule: Filed March 4, 2016; effective April 18, 2016.

820-5-1-.05 Required Forms For Domestic And Foreign Homeowners' Associations.

The Office of the Secretary of State will provide on its website fillable forms that shall be used for both domestic and foreign homeowners' associations. The use of said forms shall be mandatory to ensure proper coding of the entity type.
Author: Jean Brown, R. Joel Laird, Jr.
Statutory Authority: Code of Ala 1975, §35-20-5(b)(4).
History: New Rule: Filed March 4, 2016; effective April 18, 2016.

820-5-1-.06 Filing Fees.

The filing fees for documents relating to a homeowners' association governed by the Act shall be as follows:

(a) The fees for filing all documents defined in Code of Ala 1975, Section 10A-1-4.31 relating to a homeowners' association

shall be the fees listed in that statute and shall be allocated in accordance with the provisions of Section 10A-1-4.31.

(b) The fee for any additional or supplemental filing required pursuant to Code of Ala 1975, Section 35-20-5(b)(2) shall be $50.00. This fee shall be placed in a separate fund within the Secretary of State's Office and the funds shall be used to administer the Secretary of State's duties under the Act.

(c) Any and all filing fees paid to a county, whether authorized by a general law, local law, or any other statutory authority, shall not be affected by this rule.

Author: Jean Brown, R. Joel Laird, Jr.
Statutory Authority: Code of Ala 1975, §35-20-5(b)(4).
History: **New Rule:** Filed March 4, 2016; effective April 18, 2016.