

HB22-1040
Signed By the Governor on April 12, 2022

[CONCERNING THE RIGHT OF UNIT OWNERS IN COMMON INTEREST COMMUNITIES TO HAVE
REASONABLE ACCESS TO COMMON ELEMENTS OF SUCH COMMUNITIES](#)

[Click the hyperlink above for the actual text of the signed act]

I. Synopsis: The purpose of the act is to “preserve and protect unit owners’ ability to use and enjoy common elements and shall not unreasonably restrict or prohibit unit owners’ access to, or enjoyment of, any common element, including during the maintenance, repair, replacement or modification of a common element.”

Although an association may restrict or prohibit access to a common element for maintenance, repair, replacement, or modification, it may do so “only to the extent and for the length of time necessary to”:

- (a) Protect the safety of any individual; or
- (b) Preserve the structural integrity or condition of a repair, replacement, or modification.

Importantly, the Act now requires associations to give electronic or written notice to each unit owner *as soon as reasonably possible* if the restriction or prohibition will last more than seventy-two (72) hours. The notice shall include the following:

- (a) A simple explanation for the reason for the restriction or prohibition;
- (b) An estimated time or date when the restriction or prohibition will end; and
- (c) A telephone number or e-mail address whereby a unit owner may pose questions or concerns about the restriction or prohibition for consideration by the association.

In addition to the electronic or written notice discussed above, the association must also post a visible and clearly legible notice at any physical access point to the common element and the notice shall remain posted for the duration of the restriction or prohibition which contains the same information as the electronic or written notice.

II. Example: If the association has a pool and it requires maintenance or repairs to the pump, the pool may be closed temporarily. If the repair process will take more than seventy-two (72) hours during which the pool needs to be closed, (1) an electronic or written notice must be delivered to each unit owner and (2) a notice must be posted at each physical entrance to the pool. The notice must contain (1) an explanation of the reason for closure, (2) an estimated duration of the repairs, and (3) a telephone or email address where a unit owner can ask questions about the closure.

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