HOUSE BILL 320

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Alonzo Baldonado

AN ACT

RELATING TO HOMEOWNER ASSOCIATIONS; LIMITING HOMEOWNER
ASSOCIATIONS FROM ENACTING OR ENFORCING CERTAIN RESTRICTIONS
RELATING TO FLAG FLYING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 47-16-1 NMSA 1978 (being Laws 2013,
Chapter 122, Section 1) is amended to read:

"47-16-1. SHORT TITLE.--[This act] Chapter 47, Article 16
NMSA 1978 may be cited as the "Homeowner Association Act"."

SECTION 2. A new section of the Homeowner Association Act
is enacted to read:

"[NEW MATERIAL] FLAGS.--An association shall not adopt or
enforce a restriction related to the flying or displaying of
flags that is more restrictive than the applicable federal or
state law or county or municipal ordinance."

.199420.1

1   **SECTION 3.** Section 47-16-15 NMSA 1978 (being Laws 2013,

2   Chapter 122, Section 15) is amended to read:

3   "47-16-15. APPLICABILITY.--

4   A. Except as provided in Subsections B and C of

5   this section, the Homeowner Association Act shall apply to all

6   homeowner associations created and existing within this state.

7   B. Sections [9, 10 and 14 of the Homeowner

8   Association Act] 47-16-9, 47-16-10 and 47-16-14 NMSA 1978 do

9   not apply to homeowner associations created before July 1,

10   2013; provided that any amendment to the community documents of

11   an association created before July 1, 2013 shall comply with

12   the Homeowner Association Act.

13   C. Except as provided in Sections [4 and 8 of the

14   Homeowner Association Act, that] 47-16-4 and 47-16-8 NMSA 1978

15   and Section 2 of this 2015 act, the Homeowner Association Act

16   does not invalidate existing provisions of the articles of

17   incorporation, declaration, bylaws or rules of a homeowner

18   association created before July 1, 2013.

19   D. The Homeowner Association Act does not apply to

20   a condominium governed by the Condominium Act."

21   **SECTION 4.** EFFECTIVE DATE.--The effective date of the

22   provisions of this act is July 1, 2015.

23   - 2 -

24

25

.199420.1