

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.--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:

"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."

SECTION 3. Section 47-16-15 NMSA 1978 (being Laws 2013, Chapter 122, Section 15) is amended to read:

"47-16-15. APPLICABILITY.--

A. Except as provided in Subsections B and C of this section, the Homeowner Association Act shall apply to all homeowner associations created and existing within this state.

B. Sections 47-16-9, 47-16-10 and 47-16-14 NMSA 1978 do not apply to homeowner associations created before July 1, 2013; provided that any amendment to the community

documents of an association created before July 1, 2013 shall comply with the Homeowner Association Act.

C. Except as provided in Sections 47-16-4 and 47-16-8 NMSA 1978 and Section 2 of this 2015 act, the Homeowner Association Act does not invalidate existing provisions of the articles of incorporation, declaration, bylaws or rules of a homeowner association created before July 1, 2013.

D. The Homeowner Association Act does not apply to a condominium governed by the Condominium Act."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015._____