

APA/3

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
OTHNI LATHRAM, INTERIM DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).
I certify that the attached is/are correct copy/copies of rule/s
as promulgated and adopted on the 4th day of March, 2016,
and filed with the agency secretary on the 4th day of March,
2016.

AGENCY NAME: Secretary of State

 Amendment X New Repeal (Mark appropriate space)

Rule No. 820-5-1

(If amended rule, give specific paragraph, subparagraphs, etc.,
being amended)

Rule Title: Procedures for Implementing the Alabama Homeowners'
Association Act

ACTION TAKEN: State whether the rule was adopted with or without
changes from the proposal due to written or oral comments:
The rules were adopted without comment or change.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIV,
ISSUE NO. 4, AAM, DATED January 29, 2016.

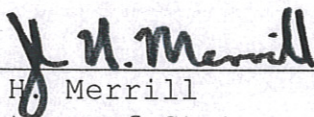
Statutory Rulemaking Authority: Code of Alabama 1975, section
35-20-5(b) (4)

(Date Filed)

(For LRS Use Only)

REC'D & FILED

MAR 04 2016



John H. Merrill
Secretary of State

LEGISLATIVE REF SERVICE

(NOTE: In accordance with §41-22-6(b), as amended, a proposed
rule is required to be certified within 90 days after completion
of the notice.

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE

PROCEDURES FOR IMPLEMENTING THE ALABAMA HOMEOWNERS'
ASSOCIATION ACT

NEW RULES

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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 Alabama 1975, sections 35-20-1 et seq. (hereinafter "the Act").

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 Alabama 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.

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 Alabama 1975, section 35-20-5(b)(2).

820-5-1-.04 Amended or Restated Formation Documents. If, pursuant to Code of Alabama 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.

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.

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 Alabama 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 Alabama 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.

Authors: Jean Brown, R. Joel Laird, Jr.

Statutory Authority: Code of Alabama 1975, section 35-20-5(b)(4).

History: New Rules: Filed March 4, 2016. Effective Date April 18, 2016.