

HOA GOVERNANCE IN OTHER STATES

LOCAL GOVERNMENT INTERIM COMMITTEE
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BACKGROUND AND PURPOSE

Across the nation, Homeowners Associations (HOA) have varying degrees of state governance rules and regulations. This report provides a summary of statutes in other states in relation to HOAs and, if any, direct governance language.

BREAKDOWN OF OTHER STATES GOVERNANCE

STATES WITH HOA LANGUAGE MOST SIMILAR TO MONTANA

The first table provides a list of states with HOA state governance structures similar to Montana. These states statutorily categorize HOAs as Nonprofit Organizations and, as such, the management and regulation language for Nonprofits is applied to HOAs. For further information on Montana’s specific governance language and structure, please reference the report [HOA Governance in Montana](#)¹.

STATE	STATUTE TITLE	NONPROFIT FRAMEWORK STATUTE LANGUAGE
Arkansas	Horizontal Property Act - Establishment of horizontal property regimes Ark. Stat. Ann. §18-13-101 et seq.	Powers Ark. Stat. Ann. §4-28-209
Hawaii	Planned Community Associations Hawaii Rev. Stat. §421J-1 et seq.	General powers Hawaii Rev. Stat. §414D-52
Iowa	Revised Iowa Nonprofit Corporation Act Iowa Code §504 et seq.	Purposes and Powers Iowa Code §504.301 et seq.
Kentucky	Nonstock, Nonprofit Corporations Ky. Rev. Stat. §273.161 et seq.	General Powers Ky. Rev. Stat. §273.171

¹Henneman, Toni. “[HOA Governance in Montana](#).” Montana Legislative Services Division. 2024

Maine	Unit Ownership Me. Rev. Stat. Ann. tit. 33, §560 et seq.	Organization of Nonprofit Corporations Me. Rev. Stat. Ann. tit. 13-B, §401 et seq.
Massachusetts	Corporations for Charitable and Certain Other Purposes Mass. Gen. Laws Ann. ch. 180B, §1 et seq.	Corporate powers Mass. Gen. Laws Ann. ch. 180, §6
Michigan	Nonprofit Corporation Act Mich. Comp. Laws §450.2304	Rights and duties of corporation Mich. Comp. Laws §450.2309
Mississippi	Mississippi Nonprofit Corporation Act Miss. Code Ann. §79-11-101 et seq.	Powers of corporation Miss. Code Ann. §79-11-151
Missouri	Nonprofit Corporation Law Mo. Rev. Stat. §355 et seq.	General powers Mo. Rev. Stat. §355.131
Nebraska	Corporations and Other Companies Neb. Rev. Stat. §21-101 et seq.	Duties and powers Neb. Rev. Stat. §21-1408
New York	Not-for-Profit Corporation N.Y. Not-for-Profit Corporation §35	General and special powers N.Y. Real Property Law §35-202
North Dakota	Nonprofit Corporations N.D. Cent. Code §10-33-01 et seq.	General powers N.D. Cent. Code §10-33-21
Rhode Island	Nonprofit Corporation Act R.I. Gen. Laws §7-6-1 et seq.	General powers R.I. Gen. Laws §7-6-5
South Carolina	Homeowners Association Act S.C. Code Ann. §27-30-110 et seq.	General powers S.C. Code Ann. §33-31-302
South Dakota	Nonprofit Corporations S.D. Codified Laws Ann. §47-22 et seq.	Powers of corporation S.D. Codified Laws Ann. §47-22-52 et seq.
Tennessee	Nonprofit Corporations Tenn. Code Ann. §48-51 et seq.	General powers Tenn. Code Ann. §48-51-102

Utah	Community Association Act Utah Code Ann. §57-8a-201 et seq.	General powers Utah Code Ann. §16-6a-302
Wisconsin	Nonstock Corporations Wis. Stat. §181-0103 et seq.	General powers Wis. Stat. §181.0302
Wyoming	Nonprofit Corporation Act Wyo. Stat. §17-19 et seq.	General powers Wyo. Stat. §17-19-302

STATES WITH DIRECT OR SUPPLEMENTAL GOVERNANCE STATUTE LANGUAGE

The table below lists states that have more defined and direct HOA governance language. Though some may still statutorily define HOAs as Nonprofits, Nonincorporated, or Business Corporations, they have additional HOA-specific governance language.

STATE	STATUTE TITLE	DIRECT GOVERNANCE STATUTE
Alabama	Homeowners' Association Act Ala. Code §35-20-1 <i>et seq.</i>	Powers of board Ala. Code §35-20-11
Alaska	Common Interest Ownership Alaska Stat. §34.08.010 et seq.	Powers of unit owners' association Alaska Stat. §34.08.320
Arizona	Homeowners' Association Dwelling Actions Ariz. Rev. Stat. Ann. §33-2001 <i>et seq.</i>	Homeowners' association dwelling actions Ariz. Rev. Stat. Ann. §33-2002
California	Association Governance Cal. Civil Code §4800 et seq.	Association Existence and Powers Cal. Civil Code §4805
Colorado	Common Interest Ownership Act Colo. Rev. Stat. §38-33.3 et seq.	Powers of unit owners' association Colo. Rev. Stat. §38-33.3-302
Connecticut	Management of Common Interest Communities Conn. Gen. Stat. §47-202 et seq.	Powers and duties of unit owners' association Conn. Gen. Stat. §47-244

Delaware	Uniform Common Interest Ownership Act Del. Code Ann. tit. 25, §81-101 et seq.	Powers of unit owners' association Del. Code Ann. tit. 25, §81-302
Florida	Homeowners' Associations Fla. Stat. §720	Association powers and duties Fla. Stat. §720.303(1)
Georgia	Property Owners' Association Act Ga. Code §44-3-220 et seq.	Powers and duties of association Ga. Code §44-3-231
Idaho	Homeowner's Association Act Idaho Code §55-3201 et seq.	Administration of an Incorporated or Unincorporated Homeowner's Association Idaho Code §55-3204
Illinois	Common Interest Community Association Act Ill. Rev. Stat. ch. 765, §160/1-1 et seq.	Board duties and obligations Ill. Rev. Stat. ch. 765, §160/1-30
Indiana	Homeowners Associations Ind. Code §32-25.5-1-1 et seq.	Homeowners Associations Ind. Code §32-25.5-3-1 et seq.
Kansas	Uniform Common Interest Owners Bill of Rights Act Kan. Stat. Ann. §58-4601 et seq.	Association duties Kan. Stat. Ann. §58-4608
Louisiana	Homeowners Association Act La. Rev. Stat. Ann. §9:1141.1 et seq.	General powers La. Rev. Stat. Ann. §12-207
Maryland	Homeowners Association Act Md. Real Property Code Ann. §11B-101 et seq.	Corporations and Associations Md. Real Property Code Ann. §1-101
Minnesota	Common Interest Ownership Act Minn. Stat. §515B.1-101 et seq.	Powers of Unit Owners' Association Minn. Stat. §515B.3-102
Nevada	Common-Interest Ownership (Uniform Act) Nev. Rev. Stat. §116.001 et seq.	Powers of unit-owners' association Nev. Rev. Stat. §116.3102
New Jersey	Formation of association N.J. Rev. Stat. §46:8C-15 et seq.	Powers, duties of the association N.J. Rev. Stat. §46:8C-19

New Mexico	New Mexico Homeowner Association Act N.M. Stat. Ann. §47-16-1 et seq.	Duties of a homeowner association N.M. Stat. Ann. §47-16-6
North Carolina	Planned Community Act N.C. Gen. Stat. §47F-1-101 et seq.	Powers of owners' association N.C. Gen. Stat. §47F-3-102
Ohio	Planned Community Law Ohio Rev. Code Ann. §5312.01 et seq.	Powers and duties of owner's association Ohio Rev. Code Ann. §5312.06
Oklahoma	Property Okla. Stat. tit. 60	Owners association Okla. Stat. tit. 60, §852
Oregon	Planned Communities Or. Rev. Stat. §94.550 et seq.	Powers of association Or. Rev. Stat. §94.630
Pennsylvania	Uniform Planned Community Act Pa. Cons. Stat. tit. 68, §5101 et seq.	Power of unit owners' association Pa. Cons. Stat. tit. 68, §5302
Texas	Residential Property Owners Protection Act Tex. Property Code Ann. §209.001 et seq.	Powers of Property Owners' Association Tex. Property Code Ann. §204.010
Vermont	Uniform Common Interest Ownership Act Vt. Stat. Ann. tit. 27A, §1-101 et seq.	Powers of unit owners' association Vt. Stat. Ann. tit. 27A, §3-102
Virginia	Property Owners' Association Act Va. Code §55.1-1800 et seq.	Operation and Management of Association Va. Code §55.1-1815 et seq.
Washington	Homeowners' Association (<i>Associations established before July 1, 1990</i>) Wash. Rev. Code §64.38.005 et seq.	Association powers Wash. Rev. Code §64.38.020
	Uniform Common Interest Ownership Act (<i>Associations established after July 1, 1990</i>) Wash. Rev. Code §64.90.010 et seq.	Powers and duties Wash. Rev. Code §64.90.405
West Virginia	Uniform Common Interest Ownership Act W. Va. Code §36B-1-101 et seq.	Powers of unit owners' association W. Va. Code §36B-3-102

STATES WITH SLIGHT VARIATIONS

Below is a list of states with notable variations from the two tables above. They may statutorily define HOAs as Nonprofits, Nonincorporated, or Business Corporations, but also have other governing variations that fall slightly outside the two tables above.

STATE	NOTABLE VARIATION
California	Davis-Stirling Act is the primary set of rules for governing HOAs. Though no government agency directly regulates HOAs, the act provides a general framework for creation, management, powers, and responsibilities.
New Hampshire	All community associations, including HOAs, are organized as voluntary corporations .
New York	HOAs are regulated by the Attorney General 's office and are governed by the NY Not-For-Profit Corporation Law, the Association's Articles of Declaration, and Bylaws.

STATES WITH HOA MANAGER LICENSING STATUTE LANGUAGE

The final table lists states and their code citation to statute language for HOA managers. Often these managers are not required but instead can be hired by HOA boards as management professionals. There are varying degrees of licensing requirements and practices permitted under each state's certifications.

STATE	STATUE
California	Certified Common Interest Development Manager - Cal. Business and Professions Code §11500 et seq.
Connecticut	Community Association Managers - Conn. Gen. Stat. §20-450 et seq.
Florida	Community Association Management - Fla. Stat. §468.431 et seq.
Georgia	Real Estate Brokers and Salespersons - Ga. Code §43-40-1(4.3)
Illinois	Community Association Manager Licensing and Disciplinary Act - Ill. Rev. Stat. ch. 225, 427/1 et seq.
Nevada	Regulation of Community Managers and Personnel - Nev. Rev. Stat. §116A.010 et seq.
Texas	Management Certificates - Tex. Property Code Ann. §209.004