RESOLUTION NO. _078_ , SERIES 2018

A RESOLUTION REQUESTING THE PLANNING COMMISSION TO REVIEW THE STANDARD BINDING ELEMENT REGARDING DEVELOPER FUNDING OF HOMEOWNERS ASSOCIATIONS.

SPONSORED BY: COUNCILMAN ROBIN ENGEL

WHEREAS, approximately 20 years ago, the Metro Planning Commission adopted a standard binding element in residential subdivision cases requiring the developer to provide "sufficient funds" with a minimum amount of $3,000 to a homeowner's association prior to turning over management of the subdivision to the residents;

WHEREAS, this fixed minimum amount applies in all such cases whether small or large causing homeowner's associations of large developments to be underfunded; and

WHEREAS, the Metro Council believes that such funding should be proportional to size of the development and calibrated to their actual financial need.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: The Planning Commission shall undertake a review of the current binding element set forth below and set the developer's minimum financial contribution based upon the number of residential units and amenities or otherwise on the size, scope and character of the development and adopt a revised standard binding element.

> At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than $3,000 in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
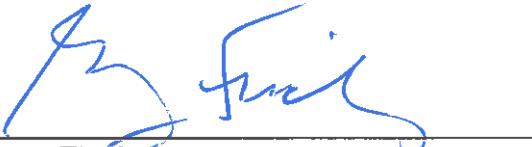
SECTION II: This Resolution shall take effect upon passage and approval.
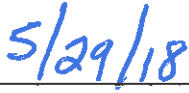
H. Stephen Ott
Metro Council Clerk
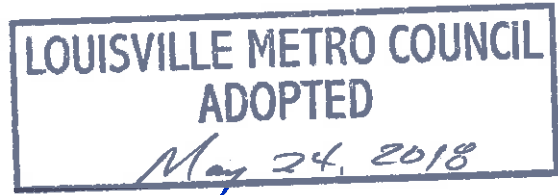
David James
President of the Council

Greg Fischer
Mayor

5/29/18

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

LOUISVILLE METRO COUNCIL
ADOPTED
May 24, 2018

BY: _____

R-038-18 Resolution Regarding Review of Developer Funding of HOAs (2-14-18).docx