

<b>LFC Requester:</b>	<b>Charlene Cerny</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

<b>Original</b>	<input checked="" type="checkbox"/>	<b>Amendment</b>	<input type="checkbox"/>	<b>Date</b>	<u>February 9, 2015</u>
<b>Correction</b>	<input type="checkbox"/>	<b>Substitute</b>	<input type="checkbox"/>	<b>Bill No:</b>	<u>SB 491</u>

<b>Sponsor:</b>	<u>Senator Mini Stewart</u>	<b>Agency Code:</b>	<u>Attorney General's Office</u>
<b>Short</b>	<u>Homeowner Association</u>	<b>Person Writing</b>	<u>Ismael Camacho, AAG</u>
<b>Title:</b>	<u>Disputes &amp; Meetings</u>	<b>Phone:</b>	<u>Email <a href="mailto:icamacho@nmag.gov">icamacho@nmag.gov</a></u>

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

### **SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

### **BILL SUMMARY**

Synopsis: SB 491 amends the Howowners Association Act by including the following new materials: a dispute resolution section; open board association meetings to lot owners; and a penalty provision.

SB 491 amends Section 47-16-2 by adding paragraph "Q. 'protected personal identifier information.'" Under this new definition, protected personal identifier information means: except for the last four digits of a: taxpayer identification number; financial account number; driver's license number; date of birth; and social security number.

SB 491 amends Seciton 47-16-5 by adding to paragraph B a requirement that the association provide all records electronically at no cost to a lot owner and limiting reasonable coping fees to paper copies.

SB 491 amends Section 47-16-5 by adding a new paragraph C to permit the redaction before the inspection or copying of applicable records that contain "protected personal identifier information. Paragraph C states that the presence of protected personal identifier information in a record does not exempt the record from inspection.

SB 491 amends Section 47-16-15 paragraph A – requiring all associations to comply with the Howowners Association Act by July 1, 2016.

### **FISCAL IMPLICATIONS**

N/A

### **SIGNIFICANT ISSUES**

SB 491 appears to repeal paragraphs B & C of Section 47-16-15, at least to the extent that paragraph C violates the Homeowners Association Act. Paragraph B contains a grandfather clause for those associations created before July 1, 2013 which exclusion will expire on July 1, 2016.

The format for which all records electronically must be provided free of charge to a lot owner is not provided for in SB 491.

SB 491 does not appear to require the redaction of protected personal identifier information from records. Paragraph C of Section 47-16-5 only permits but does not require redaction before inspection or copying of applicable records.

#### **PERFORMANCE IMPLICATIONS**

N/A

#### **ADMINISTRATIVE IMPLICATIONS**

N/A

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

#### **TECHNICAL ISSUES**

N/A

#### **OTHER SUBSTANTIVE ISSUES**

N/A

#### **ALTERNATIVES**

N/A

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo**

#### **AMENDMENTS**

N/A