

381.9103 Application and construction of KRS 381.9101 to 381.9207.

- (1) Except as provided in subsections (2), (3), and (4) of this section, KRS 381.9101 to 381.9207 applies to all condominiums created within the Commonwealth after January 1, 2011.
- (2) KRS 381.9109, 381.9111, 381.9113, 381.9129, 381.9131, 381.9167, 381.9169, 381.9183, 381.9193, 381.9197, 381.9201(2), and 381.9203, and KRS 381.9105 to the extent necessary in construing any of these sections, apply to all condominiums created before January 1, 2011, but only to the extent of events or circumstances occurring after January 1, 2011, and do not invalidate existing provisions of the declaration, bylaws, plats, or plans of those condominiums.
- (3) Unit owners of units to which one hundred percent (100%) of the votes in the association are allocated, or such lesser percentage as stated in the declaration as necessary to terminate the condominium, may elect that KRS 381.9101 to 381.9207 shall apply to a condominium created before the January 1, 2011. In such event the declaration, bylaws, plats, or plans of the condominium shall be modified or amended to the extent necessary to be consistent with KRS 381.9101 to 381.9207.
- (4) Notwithstanding any provision to the contrary set forth in the declaration, bylaws, plats, or plans of a condominium created before January 1, 2011, the executive board of the association shall have the right to rely on the provisions set forth in KRS 381.9101 to 381.9207 to deal with any situation that presents a public safety or public health issue to one (1) or more unit owners in the association.
- (5) KRS 381.805 to 381.910 shall not apply to condominiums created after January 1, 2011, and do not invalidate any amendment to the declaration, bylaws, plats, or plans of any condominium created before January 1, 2011, if the amendment would be permitted by KRS 381.9101 to 381.9207. The amendment shall be adopted in conformity with the procedures and requirements specified by those instruments and by KRS 381.805 to 381.910. If the amendment grants to any person any rights, powers, or privileges permitted by KRS 381.9101 to 381.9207, all correlative obligations, liabilities, and restrictions in KRS 381.9101 to 381.9207 shall also apply to that person.

Effective: April 11, 2012

History: Amended 2012 Ky. Acts ch. 99, sec. 1, effective April 11, 2012. -- Created 2010 Ky. Acts ch. 97, sec. 2, effective January 1, 2011.